

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF DISTRICT OF TEXAS

MARY LALIBERTE, et al.,

Plaintiffs,

v.

QUANTA SERVICES, INC., et al.,

Defendants.

Case No.

4:22-cv-03290

(AHB)

VIDEOTAPED DEPOSITION OF

MARIE MCKNIGHT

DATE: Thursday, September 5, 2024

TIME: 9:25 a.m.

LOCATION: Morgan Lewis & Bockius LLP
1000 Louisiana Street #4000
Houston, TX 77002

OFFICIATED BY: Cynthia P. Smith

JOB NO.: 6881123

PAGE 8 IS CONFIDENTIAL

A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS MARY LALIBERTE AND MARIE
MCKNIGHT:

JOHN ROBERTS, ESQUIRE
Miller Shah LLP
1845 Walnut Street, Suite 806
Philadelphia, PA 19103
jcroberts@millershah.com
(610) 900-6068

ON BEHALF OF DEFENDANT QUANTA SERVICES, INC.:

SAMUEL BLOCK, ESQUIRE
Morgan Lewis and Bockius LLP
110 North Wacker Drive
Chicago, IL 60606
samuel.block@morganlewis.com
(312) 324-1715

ALSO PRESENT:

Ray Burchette, Videographer
Carolyn Campbell, In-House Counsel for Quanta
Services

I N D E X

EXAMINATION:

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By Mr. Block

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NO.

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P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. We're going on record at 9:25. Today's date is September 5, 2024. I'll now turn it over to Cynthia Smith for her read-on.

THE OFFICER: Good morning. My name is Cynthia Smith; I'm the reporter assigned by Veritext to take the record of this proceeding.

This is the deposition of Marie McKnight taken in the matter of Mary Laliberte, et al., vs. Quanta Services, Inc., et al., on Wednesday [sic], September 5, 2024.

I'm a notary authorized to take acknowledgments and administer oaths in Texas.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recordings of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same manner as a deposition recorded by stenographic means; and
- shall constitute written stipulation

1 of such.

2 This proceeding will be recorded via
3 video technology by Ray Burchette.

4 At this time will everyone in
5 attendance please introduce yourselves for the record.

6 MR. BLOCK: Good morning, everyone.
7 I'm Sam Block, counsel for Morgan Lewis representing
8 Quanta, and alongside me is Carolyn Campbell, in-house
9 attorney at Quanta.

10 MR. ROBERTS: Good morning. This is
11 John Roberts from Miller Shah on behalf of the
12 witness.

13 THE OFFICER: Okay. Ms. McKnight, will
14 you please raise your right hand.

15 WHEREUPON,

16 MARIE MCKNIGHT,
17 called as a witness and having been first duly sworn
18 to tell the truth, the whole truth, and nothing but
19 the truth, was examined and testified as follows:

20 THE OFFICER: All right. Is anybody on
21 Zoom?

22 THE VIDEOGRAPHER: No.

23 THE OFFICER: Okay. Counsel, you may
24 proceed. I just wanted to make sure.

25 MR. BLOCK: Thank you very much.

1 And thanks, everyone, for your
2 flexibility on rescheduling this. It would not have
3 been a fun deposition for me a couple weeks ago,
4 although it would have been quick because I would have
5 had very little voice. Okay.

EXAMINATION

BY MR. BLOCK:

8 Q So can you please state and spell your full
9 name for the record.

10 A It's Marie McKnight, M-A-R-I-E
11 M-C-K-N-I-G-H-T.

12 Q And have you ever gone by any other names?

13 A When I was married.

14 Q And what was your last name then?

15 A Marie McKnight-Benton.

16 Q And B-E-N-T-O-N?

17 A Mm-hmm.

18 Q Have you ever been deposed before?

19 A Years ago.

20 Q What was that case or matter?

21 A It's personal, and I don't think it's
22 relevant.

23 Q So we'll go over some of the ground rules
24 today. That's sort of what this is leading to. But
25 as far as answering questions, if I ask a question,

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1 unless your attorney instructs you not to answer the
2 question, you have to answer the question. So I'll go
3 back to the question I just asked, then. Can you tell
4 me what that matter was?

5 THE WITNESS: I have --

6 MR. ROBERTS: You do have to answer it.
7 I think he's asking generally what it was about.

8 THE WITNESS: I really don't -- not a
9 good way to start this.

10 (Nonconfidential portion of transcript
11 ends.)

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1 (Nonconfidential portion of transcript
2 begins.)

3 BY MR. BLOCK:

4 Q Okay. Have you been deposed in any other
5 proceeding?

6 A No.

7 Q Okay. And have you ever testified at any
8 matter outside of that matter we were just discussing?

9 A No.

10 Q Okay. So I'm going to operate under the
11 assumption that depositions -- we'll give you sort of
12 Deposition 101. So as we just discussed -- and I'll
13 try to stay away from questions that are privileged.
14 If I get there, your lawyer will tell you not to
15 answer those questions.

16 And I will try to keep them relevant, but
17 sometimes I don't know what I don't know until I ask.
18 So I think important rules to understand are you're
19 under oath. And, you know, there's the penalty of
20 perjury if you're under oath, and it's the same as
21 testifying before a judge or a jury. Does that make
22 sense?

23 A Mm-hmm.

24 THE OFFICER: You have to use verbal
25 responses, please.

1 THE WITNESS: Okay.

2 THE OFFICER: I was just telling her --

3 MR. BLOCK: Yeah, yeah, please. Okay.

4 That's a good rule too. Yeah. So you beat me to rule
5 number 5, which is answer audibly.

6 BY MR. BLOCK:

7 Q So even though it would be natural in a
8 conversation sometimes to shake your head or go
9 "Mm-hmm," we'll try to stick to yeses or nos, or of
10 course any other words you want to say in response to
11 a question. Does that make sense?

12 A Yes.

13 Q Okay. If you answer a question, we're going
14 to assume that you understand the question. So feel
15 free, if you don't understand the question, to ask me
16 to rephrase it. Or you can point out the part that
17 doesn't make sense to you or anything else to make
18 sure you understand the question. Does that make
19 sense?

20 A Yes. Could I have just a minute to regroup?

21 MR. BLOCK: Oh, sure. Do you want to
22 take a few-minute break?

23 MR. ROBERTS: Yeah, sure --

24 THE VIDEOGRAPHER: Off the record at
25 9:30.

1 (Off the record.)

2 THE VIDEOGRAPHER: Back on record at

3 9:34 --

4 MR. ROBERTS: Sam, before you get
5 started, I think we're just going to seek to have that
6 portion of the transcript designated as confidential.

7 MR. BLOCK: There will be no
8 objections.

9 MR. ROBERTS: Okay.

10 MR. BLOCK: Yeah. Okay.

11 BY MR. BLOCK:

12 Q And this actually segues well into the next
13 Deposition 101 rule, which -- breaks are okay. You
14 just have to ask, like you just did. And as long as
15 there's not a question pending, we can take a break.

16 A Okay.

17 Q And your lawyers may -- your lawyer,
18 singular, sorry -- may make objections. And as we
19 discussed, unless he instructs you not to answer, you
20 can sort of essentially disregard the objections and
21 just answer the question. Does that make sense?

22 A Yes.

23 Q Okay. So some questions that we ask at
24 every deposition -- have you taken any medication that
25 would impact your ability to recall past events?

1 A No.

2 Q Okay. So nothing that you can think of that
3 would impact your ability to testify truthfully today?

4 A No.

5 Q Okay. What did you do to prepare for
6 today's deposition?

7 A Met with my attorney.

8 Q Just once?

9 A Well, over the last couple of years, I've
10 met with him on and off, mostly by telephone.

11 Q Okay. And all these questions, I'm not
12 going to ask for the substance of any of the
13 conversations with your attorney. So you talked about
14 having a couple of telephone calls. How many of those
15 calls were specifically to prepare for the deposition?

16 A One.

17 Q And roughly when was that call?

18 A Yesterday.

19 Q For how long?

20 A About an hour.

21 Q Did anyone participate in that call other
22 than you and your attorney?

23 A No.

24 Q Have you reviewed any documents in
25 preparation for today's deposition?

1 A I have.

2 Q Do you recall what those documents or
3 document was?

4 A It was the -- the questions that I was
5 asked. What -- what is that document called?

6 Q So the interrogatories?

7 A Yes, that's it.

8 Q And was there anything else?

9 A I just reviewed some of my statements.

10 Q In the interrogatories or in something else?

11 A No, it was a different document.

12 Q I think I know the answer to this, but do
13 you have any of those documents with you today?

14 A No.

15 Q And did you review those yesterday?

16 A Yes.

17 Q Do you have any notes with you today?

18 A No.

19 Q And I also think I know the answer to this,
20 but did you give any documents to your lawyers to
21 produce today? And "to produce" means like to share
22 with us, the opposing counsel -- Quanta.

23 A I think they probably shared everything
24 already.

25 MR. ROBERTS: And separate from what

1 you've produced previously in the lawsuit, did you
2 bring anything to give today specifically --

3 THE WITNESS: Oh, no.

4 MR. ROBERTS: -- for today's
5 deposition?

6 THE WITNESS: No.

7 BY MR. BLOCK:

8 Q All right. Other than --

9 A This isn't big enough for that.

10 Q Other than your attorney and your spouse,
11 have you discussed today's deposition with anyone?

12 A I don't have a spouse. And I spoke with a
13 girlfriend about it a couple of days ago.

14 Q What was the name of that girlfriend?

15 A Brandy Wilbanks.

16 Q Can you spell the last name?

17 A W-I-L-B-A-N-K-S.

18 Q You said she's your girlfriend; right?

19 A Yes, she's just a friend.

20 Q She's just a friend?

21 A Yeah.

22 Q What is her, if she has one, day job?

23 A She works for KBR.

24 Q And what does she do for them?

25 A She is in subcontracts. Subcontract

1 manager.

2 Q And what did you talk about specifically
3 with her?

4 A Just that I had this deposition coming up.

5 Q And what was her reaction?

6 A She just kind of talked me through sort of
7 that first question you asked, 'cause I thought that
8 might come up.

9 Q Anything else?

10 A No.

11 Q Did she ask you what the case was about?

12 A She didn't ask, but I offered.

13 Q And what did you say?

14 A That it had to do with the investments that
15 Quanta made on our behalf -- on my behalf -- while I
16 was working there.

17 Q And did you say anything else, you know,
18 anything about the investments in particular?

19 A No.

20 Q What did you tell her -- based on your last
21 response, it didn't sound like you said Quanta did
22 anything wrong. Did you tell her what the allegations
23 are that Quanta did wrong?

24 A I just said that the -- the company
25 mismanaged the investment funds. That's it.

1 Q And what did she say in response to that?

2 A Nothing, really. We focused more on the
3 other piece of the conversation.

4 Q You said "Nothing, really." Did you say
5 anything whatsoever?

6 A Not that I recall.

7 Q And outside of this conversation with Brandy
8 Wilbanks, can you recall talking about this case with
9 anyone else other than your attorneys?

10 A No.

11 Q Okay. So let's go over some more background
12 information. How old are you?

13 A 63.

14 Q And what is your current residential
15 address?

16 A 318 Sorrelwood Drive in League City.

17 Q Texas?

18 A Yeah, Texas. 77573.

19 Q How long have you lived there?

20 A Five years, four and a half years, something
21 like that.

22 Q And I'm not interested in getting into too
23 much detail about this. Purely from a 401(k) angle.
24 I may or may not ask follow-up questions, but you
25 mentioned you previously had a spouse. When was your

1 divorce?

2 A Well, I've been married twice.

3 Q Oh, twice. Okay.

4 A The first divorce was in the --

5 Q I'm just interested in the recent one.

6 A -- yeah -- in the mid-'90s, and the last
7 divorce was in 2007.

8 Q Okay. Do you have any children?

9 A I do.

10 Q How many?

11 A Two biological and one stepdaughter that
12 I've -- I've helped raise all her life.

13 Q And what are their ages?

14 A Ooh.

15 Q Roughly, if you know.

16 A Sheena is -- so Jeffrey was born in '88.
17 Sheena is a couple years older than him, so she would
18 have been born in '85, '86. And then Ange [ph], my
19 youngest, is -- was born in '92. They're all in their
20 30s somewhere.

21 Q I was asking because I didn't want to ask
22 you about their employment, and then you tell me
23 they're 16 or something.

24 A No.

25 Q Okay. So what is the name of your oldest,

1 did you say?

2 A My stepdaughter? Sheena --

3 Q Sheena, okay.

4 A -- Wall.

5 Q And is she employed?

6 A Not any longer. She's a stay-at-home mom.

7 Q All right. And then your next oldest's
8 name?

9 A Jeffrey McKnight, Jr.

10 Q Okay. And is he employed?

11 A Yes.

12 Q And where does he work?

13 A He is a VP of operations at Emily Summers'
14 design firm.

15 Q And do you know if he has a retirement
16 account with that firm?

17 A I'm sure he does.

18 Q But have you ever talked to him about saving
19 for retirement?

20 A When he was much younger.

21 Q And what wisdom did you impart? And I don't
22 mean that sarcastically. Like, what did you tell him?

23 A Yeah. The earlier you -- you start saving,
24 the -- the better off you'll be.

25 Q Anything else?

1 A That's about it.

2 Q Okay. And then your youngest's name again?

3 A Angela Vigen.

4 Q And is she employed?

5 A Yes.

6 Q And where --

7 A She is a teacher, and it's in Mansfield
8 School District.

9 Q Is that a public school district?

10 A Yes.

11 Q Do you know if she has a retirement account
12 through that public school district?

13 A I don't know.

14 Q Have you ever talked to her about saving or
15 investing for retirement?

16 A No. I mean, you can try with her but --
17 yeah.

18 Q Okay. I hope this isn't going to where we
19 went before. And if it is, let me know. But have you
20 ever filed a lawsuit?

21 A Yes.

22 Q Okay. And it was the one we've already
23 discussed?

24 A Yes. But, again, that was 30 years ago or
25 longer.

1 Q Have you ever had a lawsuit filed against
2 you?

3 A No.

4 Q Again, questions that we ask every
5 witness -- have you ever been arrested?

6 A No.

7 Q Have you ever been convicted of a crime?

8 A No.

9 Q Have you ever declared bankruptcy?

10 A Yes.

11 Q And, roughly, do you recall when that was?

12 A 2011, 2012, some -- somewhere in there.

13 Q So I'll introduce the first exhibit to try
14 to make this less of a memory test -- so I marked as
15 Exhibit 1 a printout of your LinkedIn profile.

16 (Exhibit 1 was marked for
17 identification.)

18 Take a minute, as long as you need, to flip
19 through the document. And when you're ready, let me
20 know if you recognize the document.

21 A Yes.

22 Q So I'll direct your -- oh. Well, I've sort
23 of said it, what it is already, but I'll give you a
24 chance to articulate it. Can you tell me what this
25 document is?

1 A A version of my resume.

2 Q And did you write this document? Or is the
3 material here stuff that you wrote?

4 A Yes.

5 Q And in doing so, did you try to be truthful
6 and accurate?

7 A Yes.

8 Q So when it says "top skills" -- you see that
9 on the blue left-hand side?

10 A Yes.

11 Q The third one says finance and accounting.
12 When you wrote "finance" as a top skill, what does
13 that mean?

14 A It means I worked in the finance and
15 accounting group for KBR.

16 Q You know, if you were asked in an interview,
17 "Talk to me about your finance and accounting skills,"
18 what would you say?

19 A Accounts payable, accounts receivable,
20 journal entries, P&Ls, that sort of thing.

21 Q So I knew most of those terms. What is
22 journal entries?

23 A It's when -- let's say, for example, that
24 something was coded to the wrong GL code or to the
25 wrong project. And then you have to go into your

1 system, whether it be SAP or Oracle or whatever, you
2 know, application that you're using at the time. Then
3 you make an entry in there, take it out of the place
4 it doesn't belong, and put it where it does belong.

5 Q And I think you said in the list P&Ls;
6 right?

7 A Profit and loss.

8 Q Yeah. So it was part of your skill set
9 determining when there's been a profit or a gain and
10 when there's been a loss?

11 A That was -- that was mostly applied when I
12 owned my store. I didn't -- I didn't deal with a lot
13 of P&Ls in the corporate world.

14 Q So when you owned your --

15 A Corporate finance, yeah.

16 Q Sorry, I did not mean to cut you off there.
17 Talk to me about when -- you said it applied when you
18 owned your store. So how did it apply when you owned
19 your store?

20 A Well, I needed to know if I was making a
21 profit or a loss.

22 Q And when you write "finance and accounting"
23 as that top skill, does that in a way include or have
24 anything to do with investment or investment
25 performance?

1 A No.

2 Q All right. Let's skip to the end, page 5.
3 So we'll work through this chronologically. So it
4 says you attended college at Stillwell Technical
5 College; is that right?

6 A Yes.

7 Q And you had a -- well, it says associate's
8 degree, business administration and accounting.

9 A Right.

10 Q I was going to call it a focus, but is
11 that -- I don't know. What's the right term for
12 business administration and accounting?

13 A Well, it was back in the '70s. So it was
14 just a -- a general overall office administration.
15 You know, we learned typing skills, accounting skills,
16 you know, how to use the different machines that were
17 relevant at the time, like a mimeograph machine, you
18 know, before copiers came out. So it was just an
19 overall, you know, business school.

20 Q And did you take any courses in investment
21 or relating to investments?

22 A No.

23 Q And then it looks like in 1996 you got a
24 certification in the management development program
25 from Rice University. Can you talk to me about, what

1 did that entail?

2 A Yes. It was -- KBR -- or actually, they
3 were Brown & Root then -- sent me to that. And it was
4 like a three-month program that we would go on the
5 weekends and just discuss overall, you know,
6 business -- not really business strategies.

7 But we looked at different cases and -- and
8 just discussed, you know, how it worked out and -- and
9 what sort of logic was applied to it and, you know,
10 how they figured out lessons learned and things like
11 that.

12 Q And did that course cover in any way
13 investments or investment performance?

14 A No, not that -- not that I recall.

15 Q So outside of Stillwell Technical College
16 and Rice University, is there any other post-high
17 school education of note?

18 A I took some college classes at Lamar years
19 ago, didn't finish it. And then I -- when I was
20 living in Florida, I took some college classes there.

21 Q And starting with Lamar, what were the
22 college classes?

23 A Basic, you know, English and accounting and
24 that sort of thing.

25 Q And what about in Florida?

1 A Florida, I was trying to figure out who I
2 wanted to be when I grew up, so it was like graphic
3 design classes. And again, English, and you still had
4 to take the other classes as well.

5 Q And did any of those classes involve
6 investments or investment performance?

7 A No.

8 Q Have you received any vocational training?

9 A Such as?

10 Q Well, let me try asking the question a
11 different way. What about professional
12 certifications?

13 A No.

14 Q Have you attended any financial or
15 investment seminars?

16 A No.

17 Q Any retirement planning seminars or
18 presentations?

19 A No.

20 Q Okay. So we'll continue to go through this
21 chronologically. The first employer listed here is
22 KBR. And it says, if you look at page 5, that third
23 line, it says, "with a specific focus on customer
24 billings."

25 A Mm-hmm.

1 Q Do you see that?

2 A Where at?

3 Q It's the third line on page 5 up at the top.

4 A Yes.

5 Q So what were some of the common billing
6 issues you encountered?

7 A So we were doing an SAP implementation then.
8 And I was brought in to be part of the team as a
9 functional expert because of accounts payable,
10 accounts receivable, dealing with procurement coming
11 through, you know, making sure you had your three-way
12 match, and that sort of stuff.

13 But it wasn't -- that -- yeah, that was
14 really it. We were doing design and configuration of
15 the system. And then we would test it out to make
16 sure that it was functioning properly.

17 Q So I'm not sure what the answer is to this.
18 Was part of that work involved in making sure nothing
19 was double-billed?

20 A I'm guessing it -- it would have been. But
21 I don't -- I don't really recall that.

22 Q And to ask maybe an obvious question -- I'll
23 not ask it in a leading way -- is there anything wrong
24 with double-billing? And if so, what's wrong with
25 double-billing?

1 A Well, that's -- I mean, that should be -- be
2 illegal. Why would you want to do that?

3 Q And it's a really obvious question. Why is
4 it? Why is it bad? What's, you know --

5 A Because it's not your money. You can't keep
6 what's not yours.

7 Q It says you were also a global training
8 instructor.

9 A I was.

10 Q Who were you training?

11 A KBR employees around the world.

12 Q And what did training look like? You know,
13 what was sort of the topic of the training?

14 A It had a lot to do with the generating
15 invoices out of SAP, teaching them how to use the
16 new -- 'cause we were switching from our legacy system
17 to SAP. So it was teaching them how to use this new
18 application in their job and what kind of issues they
19 might come up against and how to resolve those.

20 Q All right. So moving to the next line in
21 your employment, in your LinkedIn profile, is it
22 Rindecella's?

23 A Rindecella's, yes.

24 Q Okay. Rindecella's Unique Gifts &
25 Treasures. So tell me the story there about -- you

1 know, you're the owner of this shop, it says. You
2 know, why did you start it?

3 A Because I wanted to try something new.

4 Q And did you have any employees?

5 A I did. One part-time.

6 Q One part-time?

7 A Mm-hmm.

8 Q And so for the six years and eight months
9 you were there, it was you and, at most, that one
10 other part-time person?

11 A I don't know that she was there the whole
12 time. I didn't actually start it in -- in June of
13 2000.

14 Q When did you start it?

15 A Maybe around 2004 or 2005.

16 Q Okay. Then if we just take a step back, so
17 KBR, it says 1998 to 2000. Are those years right?

18 A No. Actually I worked for KBR from 1988.
19 But if I put all my experience on here, my resume
20 would be, you know, 20 pages long.

21 Q Yeah, and I just wanted to understand if
22 there was a gap.

23 A Right.

24 Q Between 2000 and 2005, what were you, you
25 know, doing at the time?

1 A I worked for my ex-husband's company.

2 Q In what role?

3 A Paying the bills, that sort of thing.

4 Q Did that company have a retirement plan that
5 offered its employees?

6 A I don't -- I don't think they did. If they
7 did, that would have been handled by the CPA or by a
8 separate company.

9 Q And what was the name of that company?

10 A B&B Ice.

11 Q B&B Ice?

12 A Mm-hmm.

13 Q And what did that company do?

14 A Distributed ice.

15 Q And how many employees did it have, roughly?

16 A I don't -- I don't know.

17 Q Going back to Rindecella's, so the part-time
18 employee, did you hire this person?

19 A Yes.

20 Q Tell me about the hiring process.

21 A She was a friend -- friend of my
22 stepdaughter's, and she was going through school. She
23 just needed a little part-time job.

24 Q Was she in high school at the time or
25 college or --

1 A I think maybe she had just started college.

2 Q Did you ever evaluate her performance,
3 informally or formally?

4 A No.

5 Q How did you determine then if she was doing
6 a good job and should remain employed?

7 A I didn't go through any sort of formal
8 evaluation. If she was getting her work done, you
9 know, and did what she was asked and showed
10 motivation, then I was good.

11 Q So, if I understand what you're saying
12 right, you didn't think a formal evaluation was
13 necessary because you were interacting with her
14 frequently and she was meeting your standards?

15 A That's correct.

16 Q And you think that's a reasonable way to
17 evaluate someone's performance?

18 A It was --

19 MR. ROBERTS: Object to form.

20 THE WITNESS: Oh, sorry.

21 BY MR. BLOCK:

22 Q You can answer.

23 A Oh. It was a small little boutique gift
24 shop. They're just -- not a lot to that.

25 Q All right. And then continuing on with your

1 history, you returned to -- well, let me make sure
2 that's right.

3 A Returned to KBR?

4 Q Yeah. Just wanted to make sure I was
5 looking at right. Oh, there, I see. Okay. It's
6 because it's tucked into the bottom of page 3. Okay.
7 So why did you return to KBR?

8 A Because I got a divorce and moved back to
9 Texas.

10 Q Was this lead accountant role sort of a
11 promotion or a step up in responsibility from your
12 previous role, or is it just sort of a different kind
13 of role?

14 A Really just a lateral.

15 Q All right. You say that you -- and it's the
16 fourth line -- managed a \$9 million budget annually
17 for capital projects and fixed assets globally. What
18 does it mean that you managed that, a \$9 million
19 budget?

20 A It means that I, you know, that I applied,
21 you know, that it was -- like, KBR is a big company,
22 so they -- they buy things all the time, right?
23 Equipment, you know -- at one point when we were on
24 Clinton Drive, we had, you know, a -- a fitness room,
25 you know.

1 So they would buy exercise equipment and
2 just all sorts of things. So I tracked it an SAP
3 and -- and watched for when it was fully depreciated
4 and that sort of thing.

5 Q All right. And then your next role within
6 KBR was senior specialist, information management.
7 Was that a lateral move, or was that a step up in
8 responsibility?

9 A Again, that was similar to when we were
10 doing the SAP implementation. I -- you know, at that
11 point, our license had expired with SAP, and we were
12 going to move to Oracle. So I was brought over to --
13 to that team to -- to help with that project.

14 Q And the first sentence says, "Team lead for
15 the resource management and opportunity management
16 modules."

17 A Mm-hmm.

18 Q I didn't know what that meant, so would you
19 mind telling me what that means?

20 A So resource management is, you know,
21 managing your resources, your employees sort of thing.
22 And along with Oracle, we were implementing a -- an
23 application we called -- called EcoSys.

24 And that -- EcoSys is a Hexagon company
25 that's used globally for, like, project controls work,

1 you know, looking at forecasts and that sort of thing.
2 And so resource management -- so within EcoSys, they
3 have different modules.

4 So we were, you know, learning EcoSys and
5 understanding how we wanted to set it up to -- to
6 manage, you know, the hiring of people and be able to
7 better track people so that when, you know, if -- if
8 we knew employee X was assigned to, let's say, Exxon
9 for two years and, let's say, you know, they're going
10 to be released or that project will be done in 2026,
11 we -- we wanted to be -- to be able to have an eye on
12 it to know, when you get near that date, okay, let's
13 start looking for, you know, another project for them
14 to go to.

15 Q And on an unrelated note to that answer,
16 when you were at KBR, did you participate in their
17 401(k) plan?

18 A I did.

19 Q Do you recall having any issues with that
20 401(k) plan?

21 A No.

22 Q Do you recall what you were invested in?

23 A No.

24 Q How did you make a decision about what to
25 invest in?

1 A The -- pretty much the same way I do with
2 any 401(k) program. What -- whatever, you know,
3 that -- that team recommends for me and at that
4 particular -- particular age, that's what I go with.

5 Q So you said whatever the team recommends.
6 What are you referring to when you say "team"?

7 A Well, it -- when I say "team," I mean, like,
8 with Quanta, it was Fidelity. I'm -- at Worley now,
9 it's Principal. At KBR, it was Vanguard. So those --
10 those retirement management companies that manage the
11 funds.

12 Q And we'll probably get into this later and
13 in different ways. But why are you -- you know, it
14 sounds like you're choosing to rely on what you refer
15 to as those teams or management --

16 A Right.

17 Q -- companies; is that right? Why are you
18 doing that instead of just choosing, you know,
19 yourself or some other alternative?

20 A Because I'm not knowledgeable in that area.
21 That's it.

22 Q I think you mentioned Fidelity, Principal,
23 and there was one more.

24 A Vanguard.

25 Q Vanguard. Have you had any issues with any

1 of them?

2 A No.

3 Q Have you found them to be reasonable judges
4 of what's a good investment?

5 MR. ROBERTS: Object to form.

6 You can answer.

7 THE WITNESS: Answer?

8 MR. ROBERTS: Mm-hmm.

9 THE WITNESS: Ask me the question
10 again.

11 BY MR. BLOCK:

12 Q So you said you've relied on them, so I was
13 asking if you found them to be good judges of what are
14 reasonable investments.

15 MR. ROBERTS: Same objection.

16 A Until it's brought to my attention
17 otherwise.

18 Q And what do you do, if anything, to have
19 people bring, you know, to bring other opinions to
20 bear on whether these investments are reasonable or
21 not?

22 A I don't do anything.

23 Q Well, you told us until it's brought to your
24 attention. So it sounds like at some point, something
25 was brought to your attention that made you think some

1 investments you were in were not reasonable; is that
2 correct?

3 A That's correct.

4 Q So if that happened once -- well, how many
5 times has that happened?

6 A To my knowledge, just the one time.

7 Q And I think we'll also get into this later,
8 but if it happened once, how come you don't do
9 anything to double-check any of your other
10 investments?

11 A Again, I'm -- I'm not knowledgeable in that
12 area. That's not, you know, that's not where my
13 expertise is. And it takes a lot of time, you know,
14 to get through that, so --

15 Q So I think we'll get back to that topic
16 later, too, in other ways. Moving on to page 3, it
17 says your next employment was with Willis Group.

18 A Right.

19 Q So what attracted you to the opportunity at
20 Willis Group?

21 A Well, when we were working on that last
22 implementation at KBR with the Oracle and EcoSys, I
23 really enjoyed working with EcoSys in the design and
24 configuration. And they were doing an implementation
25 at Spectra Energy, and so I wanted to be part of that

1 team.

2 Q And what did your job responsibilities at
3 the Willis Group entail?

4 A Design and configuration of EcoSys, writing
5 UAT test scripts, training employees.

6 Q Did you participate in a 401(k) plan at
7 Willis Group?

8 A I'm sure I did.

9 Q Do you recall having any issues with any of
10 the investments offered in that 401(k) plan?

11 A No.

12 Q Let me introduce -- and this may be fairly
13 quick -- Exhibit 2.

14 (Exhibit 2 was marked for
15 identification.)

16 I'll pass it around to everyone, which is
17 the Form 5500 for the Willis Group 401(k) plan. Feel
18 free to look through it, but I'm just going to ask a
19 question or two about the very end of it where it
20 lists the various investments in the plan.

21 So whenever you're ready, flip to the last
22 page. That's the only thing I'm going to ask about.
23 Are you on that last page --

24 A Mm-hmm.

25 Q -- it should say "schedule of assets." I

1 think it's on the page here.

2 A Oh, behind it?

3 Q Yeah, there you go. So you see it lists a
4 bunch of different investment options.

5 A Yes.

6 Q So recognizing that this was a number of
7 years ago, I just wanted to see if looking at this
8 list helped you recall what you were invested in when
9 you participated in the Willis Group LLC 401(k) plan.

10 A Not really.

11 Q And we talked about this a little bit. So
12 when you are confronted with these options -- this is,
13 I should say, the 2017 Form 5500. So it covers, you
14 know, the period of time in which you were at Willis.
15 Talk to me a little bit about the process you go
16 through to identify which investment or investments to
17 invest in.

18 A Again, I just go with what's recommended.

19 Q And do you know if sort of the service
20 you're describing was something you paid for? Like,
21 were you paying someone to recommend different
22 investments to choose --

23 A I don't think so.

24 Q Let's go back to your -- you can put that
25 aside, wherever's convenient. Highly unlikely to

1 return to it. Okay. So back to your form 55 -- or
2 sorry. Back to your LinkedIn. So after the Willis
3 Group, you went to Quanta next; is that right?

4 A That's correct.

5 Q What attracted you about the opportunity at
6 Quanta?

7 A Well, with Willis Group, I was a contract
8 employee with Spectra -- or for Spectra. But then
9 Quanta reached out to me and went through the
10 interview process, and it was a permanent full-time
11 employee.

12 Q And you said they reached out to you. Do
13 you recall how they did that?

14 A I got a call from the manager at the time.
15 His name was Matt Trawick, Trawick, something like
16 that.

17 Q Tell me if this is right. You were saying
18 one thing that attracted you about Quanta is it was
19 going to be a full-time employee.

20 A Right. I was full-time before, but I was as
21 a contract employee.

22 Q What did you know about Quanta, if anything,
23 before they reached out to you?

24 A Not much at all.

25 Q And what did you learn about Quanta through

1 the, you know, when you were just deciding whether to
2 pursue or take the opportunity?

3 A Do you mean what did I learn as far as what
4 they did?

5 Q Anything. I'm keeping it very broad.

6 A Oh. Well, they were doing EcoSys
7 implementations. And like I said, I really enjoyed
8 working with EcoSys and interviewed with the manager,
9 and went through a series of interviews. And I liked
10 everybody that was part of the team.

11 Q And what did you learn about Quanta's
12 reputation as a company?

13 A Do you mean how other businesses looked at
14 them or how they were rated? Or what are you asking?

15 Q So let me try it this way. Did you learn
16 anything about their reputation as an employer? You
17 know, were they -- and I don't want to put words in
18 your mouth, there could be all sorts of -- right? A
19 company could be known as like, very tough
20 environment, or they're very friendly and give --

21 A Oh, no, I enjoyed working at Quanta.

22 Q And why was that?

23 A I enjoyed the team I was on. They seemed
24 like they were a -- they -- they seemed to value their
25 employees.

1 Q And you say the team you were on, or the
2 company?

3 A The company overall.

4 Q Were you satisfied with your salary?

5 A I was.

6 Q Were you satisfied with the benefits they
7 offered?

8 A I was.

9 Q What did your job at Quanta entail?

10 A Design and configuration of EcoSys and
11 supporting our end users, writing test scripts. Same
12 thing.

13 Q Okay. So it says in the second line, when
14 you're an applications analyst from March 2017 to May
15 2019, that you identified deficiencies in business
16 systems. What does that mean?

17 A It means you're -- you're
18 constantly -- when -- when you're doing design and
19 configuration of an application, not all applications
20 are, you know, out of the box.

21 You -- you can't just -- you can't just go
22 pick a product off a shelf and think it's going to
23 work for the entire way the company does business. So
24 it takes some customization.

25 So our team did part of that customization.

1 And during the process, through testing it out and
2 changes that were made, that's when you identify
3 deficiencies.

4 Q Who did you report to while at Quanta?

5 A Matt Trawick.

6 Q That's a different name that you said before
7 about who reached out to you?

8 A It -- I think it's Trawick. It's -- it came
9 to me now 'cause at first I was like, "Trawick,
10 something" -- I was close.

11 Q Got it. Understood.

12 A I -- I reported to him initially. And then,
13 not long before I was let go, he left the company and
14 a new manager took over. And they just decided to
15 change things up.

16 Q So I'm going to read a list of names. I
17 wasn't able to grab a good org chart. Are you
18 familiar with Randall Wisenbaker?

19 A Huh-uh.

20 Q What about Steve Kemps?

21 A No.

22 Q Traci McReady?

23 A No.

24 Q Kim Milton?

25 A No.

1 Q Nick Grindstaff?

2 A That one sounds kind of familiar. But you
3 have to understand that IT group, you know, they were
4 in -- or -- or most of the company was in Williams
5 Tower.

6 And the IT group was in an office that was
7 part of the Galleria. So you -- you know, I didn't
8 always see those people on a regular basis or hear
9 about them or anything like that.

10 Q That's helpful context. So you said Nick
11 Grindstaff, the name was somewhat familiar?

12 A It may -- it sounds familiar, but that
13 doesn't mean that I knew him or anything like that.

14 Q Do you know anything about his reputation?

15 A No.

16 Q Derrick Jensen?

17 A I -- I do remember Derek. We would have --
18 I don't remember if it was monthly or quarterly, like
19 little town hall meetings over at the Tower. And he
20 would often get up and speak.

21 Q What was your impression of him?

22 A Seemed like a nice guy to me. I didn't know
23 him personally but, you know, seemed like a nice guy.

24 Q And what about competency as far as his job?

25 A He was -- I mean, again, I didn't work with

1 him. I, you know, I didn't work closely with him. Or
2 I didn't work with him at all. So it's not something
3 I could judge.

4 Q Based on his presentations, did he seem
5 intelligent?

6 A Seemed to be.

7 Q Trustworthy?

8 A I didn't know him.

9 Q Are you aware of anything about his
10 reputation?

11 A Not really.

12 Q What about Kip Rupp?

13 A Who?

14 Q Kip Rupp.

15 A No.

16 Q Redgie Probst?

17 A No.

18 Q Steven Wilhelm?

19 A No.

20 Q Bo Cassidy?

21 A No.

22 Q Jayshree Desai?

23 A No.

24 Q Paul Nobel?

25 A No.

1 Q Carolyn Campbell?

2 A I think I've heard of her name, but I didn't
3 know her.

4 Q I wasn't sure what to do with that one
5 because she's also right here.

6 A Oh. That's why I've heard of the name. I'm
7 sorry.

8 Q Okay. When you were at Quanta, did you
9 participate in a 401(k) plan?

10 A I did.

11 Q How did it compare to previous 401(k) plans
12 that you participated in?

13 A I mean, about the same, you know? Like
14 I've -- I've said, I didn't get real involved in the
15 details.

16 Q At the time you were at Quanta, do you
17 recall having any issues with the investments offered
18 in Quanta's 401(k) plan?

19 A Did I have any issues with -- no.

20 Q When you were hired, did you attend an
21 orientation?

22 A I'm trying to think. I don't recall.

23 Q Well, okay. So you don't recall. Do you
24 recall at any point learning anything about the --
25 well, let me ask it this way. What do you recall, if

1 anything, about learning about the 401(k) plan?
2 Because presumably, at some point, you learned it
3 existed and --

4 A Well, it's -- it's all part of the HR
5 process, right? You know, you -- you get hired, you
6 sign the paperwork, you select your -- the insurance
7 benefits you want, you choose whether or not you're
8 going to participate in a 401(k).

9 Q And you worked at Quanta for -- your
10 LinkedIn says it's two years and three months; does
11 that sound about right?

12 A Yeah, a couple years.

13 Q And why did your employment with Quanta end
14 in May 2019?

15 A We got a new -- a new manager replaced Matt
16 when he left, and he decided to let me go.

17 Q All right. Let me introduce Exhibit 3.

18 (Exhibit 3 was marked for
19 identification.)

20 Take a second, you know, as much time as you
21 need to look over it. And once you've had a chance,
22 you know, let me know if you recognize the document.

23 MR. ROBERTS: Thanks.

24 THE WITNESS: I do.

25 //

1 BY MR. BLOCK:

2 Q And what is this document?

3 A The termination papers. And it lists out
4 the severance package that I was given.

5 Q And have you seen this document before?

6 A I have.

7 Q When was the last time you saw the document?
8 The most recent time?

9 A I reviewed it yesterday with my attorney.

10 Q And when you -- well, let's look at the last
11 page. Do you see your signature there?

12 A Yes.

13 Q When you reviewed this document for the
14 first time, did you do so with an attorney? Did you
15 consult any --

16 A No.

17 Q I'm interested in section 8, the paragraph
18 a, which is on page 3 of the severance agreement. Do
19 you see that? It starts with -- yeah -- "Employee
20 further represents that employee"?

21 A Want to put that in English for me?

22 Q Yeah, we'll walk through it. But I guess
23 that brings me to a question. So before bringing this
24 lawsuit, did you look at the severance agreement --
25 let me ask a more precise question. In between the

1 time period in which you signed this document -- which
2 says June 7, 2019 -- to when this lawsuit was filed,
3 did you ever look at this severance agreement?

4 A At -- at the time that they had me sign it,
5 but it's not like -- I wasn't given a copy that I
6 could hold on to and think about or even go consult
7 with an attorney.

8 Q So to make sure I understand your testimony,
9 you're saying you were not given a copy of this?

10 A No, I was provided a copy of it. Just -- at
11 the time when they said, "It's time for you to go."

12 Q Okay. So I think, to make sure I'm
13 understanding your testimony, so after you signed this
14 and before you brought this lawsuit, you didn't look
15 again at the severance agreement to decide if you were
16 violating it or not by bringing a lawsuit?

17 A No.

18 Q Okay. So let's translate 8a. It says,
19 "Employee" -- do you understand that to be yourself?

20 A Yes.

21 Q Okay -- "represents that employee has never
22 commenced or filed" -- I don't care so much about
23 that -- "and agrees not to commence, file, voluntarily
24 aid, or in any way prosecute for cause to be commenced
25 or prosecuted against the Released Parties any action,

1 charge, complaint, or other proceeding subject to the
2 provisions of paragraph 8c." So did I read that
3 right?

4 A Well, you read it word for word, but not
5 necessarily in English.

6 Q Yeah. So we'll go through it in English. I
7 just wanted to get it all there for the record. Okay.
8 Because now I'm going to just hone in on specific
9 parts to try to make it --

10 A Okay.

11 Q -- translate better, but I don't want it to
12 seem like I'm cherry picking or anything like that.
13 Okay. So "Release Parties" is a capitalized word. Do
14 you see that? That "Release Parties," they're both
15 capitalized?

16 A Yes.

17 Q It's a defined term. Okay. So if you look
18 at the other page across the way, section 7, do you
19 see "Released Parties" is underlined and capitalized
20 sort of in the middle of paragraph 7?

21 A Yes.

22 Q Okay. So there's a bunch of entities that
23 are considered Released Parties, but I think just to
24 make it simple, I just want to focus on -- it says in
25 the fourth line, it says "the Company," in capital C,

1 "the Company" is listed as one of the Released
2 Parties? We're in paragraph 7.

3 A Yes.

4 Q Okay. And then do you understand "the
5 Company" to be Quanta services?

6 A Yes.

7 Q Okay. So now let's go back to 8 and try to
8 translate it. Okay. So it says, "Employee further
9 represents" -- actually, let's make it a little
10 different.

11 A Well, let -- let me --

12 Q Please.

13 A -- let me just answer this for you. I mean,
14 I'm not ignorant. I, you know, I kind of get the gist
15 of what they're saying here. But in my mind, that
16 would apply to, like, the termination itself.

17 You know, it's -- it's saying if -- to me,
18 this is saying, "Okay. We gave you this money.
19 You've been terminated. Here's this document. Sign
20 it saying that you're not going to go to an attorney
21 about -- or you're -- you're not going to seek a -- a
22 legal case about your termination and the reason for
23 the termination."

24 In my mind, that's what that represents.
25 That doesn't have anything to do with what we're here

1 for today.

2 Q Okay. And what, you know, where does that
3 understanding come from? Is that just from this
4 paragraph 8a, or is that from somewhere else?

5 A Well, it's -- it's -- that was just my
6 interpretation of it.

7 Q And have you ever, outside of -- I don't
8 care about -- I do care about, but I'm not going to
9 ask about conversations with your lawyer. So outside
10 of conversations with your lawyers, have you ever
11 vetted that interpretation with anyone?

12 A No.

13 Q Why not?

14 A Why?

15 Q Right. That's my question: Why not?
16 You're going to say "Why"?

17 A Yeah, that is why. Why would I?

18 Q Okay. Okay. So we'll go back to that;
19 right? But I guess, let me point you to on -- what's
20 the easiest spot to point you to? All right. Well,
21 let me just represent to you -- and we can go through
22 this too; right? Well, let me ask this question this
23 way.

24 I guess one reason why you might want to
25 look at it is to understand if you're going to be in

1 breach of the agreement. Does that make sense?

2 A It never occurred to me.

3 Q Okay. So let's go back to 8a and try to
4 see, reading it now, see what you think, you know,
5 what's your understanding now of what it means. Okay?
6 So it says, "Employee represents that they agree not
7 to commence, file," and it goes on.

8 A I still interpret it the same way.

9 Q Right. Right. So I guess -- okay. So it
10 says, "agrees not to file any action, charge,
11 complaint, or other proceeding." So I guess what
12 about the phrase --

13 A In my mind, "any action" --

14 Q Let me finish. Let me finish. And then
15 you'll get a chance. Okay. So it says, "any action,
16 charge, complaint, or other proceeding." So my
17 question is: What about that makes you think that the
18 only action it relates to is related to -- what did
19 you say? Sorry. Actually now I'm forgetting what you
20 thought it just limited to. You thought it was
21 limited to just --

22 A Just to the termination itself.

23 Q So let me make sure I understand. So you
24 thought the only thing it applied to, you couldn't sue
25 them was for, like, wrongful termination?

1 A Right.

2 Q All right. So what about the language, "any
3 action, charge, complaint, or other proceeding" makes
4 you think the only action it could be about was
5 wrongful termination?

6 A Because it was my termination papers.

7 Q So sitting here now, do you still read it
8 that way --

9 A I do.

10 Q -- when we walk through it? And why is
11 that?

12 A Because it's my termination package. It
13 doesn't say anything at all about how our money was
14 invested and mishandled.

15 Q All right. So your interpretation of this
16 paragraph is that you could sue Quanta for any action
17 so long as it wasn't about wrongful termination?

18 A Correct.

19 Q So let me ask you this: Sitting here today,
20 do you think you're violating the severance agreement
21 by suing Quanta in this action?

22 A No.

23 Q Are you concerned about your interpretation?

24 A No.

25 Q And why are you not concerned about your

1 interpretation?

2 A I -- I've already explained it.

3 Q So let me read the next sentence. It says,
4 in b, "In the event an employee files any civil
5 complaint or commences any litigation of any kind that
6 is covered by this release in this agreement" -- does
7 that give you any concern about your interpretation?

8 A No.

9 Q So what do you think is meant by that
10 sentence?

11 A I think it's all related to the termination
12 package.

13 Q And just to be clear, is there any language
14 you can point me to that supports that interpretation?

15 A On page -- on the second page -- it's not
16 numbered, but it's Termination of Employee. Why would
17 I interpret it any differently? It's a termination
18 package.

19 Q So is it your, you know, understanding or
20 opinion that any termination package can only limit
21 that person being terminated from suing about that
22 termination? There's no way to draft a termination
23 package that would limit them from suing about
24 something else?

25 MR. ROBERT: Object to form.

1 A I'm -- that's my interpretation of it. It
2 just is what it is.

3 Q So as part of this termination package, you
4 received \$11,425.27. Do you see that?

5 A Yes.

6 Q Did you receive that payment?

7 A I did.

8 Q Okay. And in paragraph 7A, it says -- it's
9 a long paragraph. I agree. But it says, if you look
10 at the first sentence, it says, "In consideration of
11 the severance benefits," so that includes the \$11,000
12 we just talked about; right?

13 A Mm-hmm.

14 THE OFFICER: Excuse me. Could you
15 repeat that for me, please?

16 THE WITNESS: Yes.

17 THE OFFICER: Thank you.

18 BY MR. BLOCK:

19 Q "The employee" -- so that's you; right?

20 A Right.

21 Q And then it goes on to say, "hereby releases
22 and discharges the company" -- so that's Quanta;
23 right?

24 A Right.

25 Q And then it goes on, just after Released

1 Parties to say, "from any and all claims, cause of
2 action, suits, debts, controversies, judgments,
3 decrees, damages, liabilities, covenants, contracts,
4 and agreements, whether known or unknown, in law or
5 equity, whether statutory or common law," so on and so
6 forth. It goes on; right? It says all that?

7 A Yes.

8 Q And then it says, "or any claims relating to
9 or arising out of any aspect of an employee's
10 employment with the company or termination of such
11 employment"?

12 So "arising out of any aspect of an
13 employee's employment with the company or the
14 termination of such employment." And it's your
15 interpretation that all that means, the only claim
16 you're releasing is about wrongful termination?

17 A That's my interpretation.

18 Q So what do you think is meant by, "from any
19 and all claims, causes of action, suits, debts,
20 controversies" --

21 A Well, it mentions age discrimination and
22 Older Workers Benefit Protection Act and all of that
23 stuff. It's related to the termination package.

24 Q All right. So what do you think the words
25 "arising out of any aspect of an employee's employment

1 with the company" means?

2 A Which sentence?

3 Q So it says -- right -- just second to last
4 line of paragraph 7, it says you've released all these
5 various things, "including but not limited to any
6 claims relating to or arising out of any aspect of an
7 employee's employment with the company."

8 So I'm asking, what do you think "arising
9 out of any aspect of an employee's employment with the
10 company" means?

11 A That -- that it's -- it's related to -- to
12 my employment with the company.

13 Q Right. So --

14 A In -- in my opinion, this is a termination
15 package. And we can present it in any way we want
16 and -- and re-dissect it. But my interpretation is my
17 interpretation.

18 Q Yeah, I'm just trying to understand if,
19 going through it, that would help, if you'd be willing
20 to reconsider what the words mean. But it sounds like
21 you're not; is that right?

22 A No.

23 Q Okay. And then it goes on to say, among the
24 claims you're releasing -- you talked about the Age
25 Discrimination Act. Do you see in that list, sort of

1 roughly in the middle, right after "of 1991," it says
2 the "Employee Retirement Income Security Act of 1974."

3 Do you see that?

4 A I do.

5 Q Okay. And do you understand that to mean
6 that you released claims related to the Employee
7 Retirement Income Security Act of 1974?

8 A I don't interpret it as having anything to
9 do with my investments.

10 Q Let me ask a different way. So you've said
11 this agreement only applies related to your
12 termination. So do you understand this to mean that
13 you're releasing claims under the Employee Retirement
14 Income Security Act of 1974 that are related to your
15 termination?

16 A It's related to my termination, but not my
17 investments and how the committee chose to select
18 those investments.

19 Q Let me try asking you this. So it says
20 you're releasing claims under the Employee Retirement
21 Income Security Act of 1974. What could that cover if
22 that's related to your -- you said not your
23 investments. So I'm wondering what could that cover?
24 Is it your --

25 A I have no idea. I've never read that act.

1 Q Well, before filing this lawsuit, did you
2 ask anyone whether you might be in violation of this
3 agreement by suing Quanta?

4 A No.

5 Q At what point did you become aware that the
6 severance agreement -- I know you disagree -- but you
7 arguably violated by suing Quanta?

8 A Well, you keep saying it. That's the point.
9 But I -- that's not how I interpret it. So I don't
10 agree.

11 Q Okay. So going back to the right-hand side
12 above "No claims," there's a paragraph that starts
13 with, "To the extent any claim is not releasable,
14 employee acknowledges that the payments and
15 consideration received hereunder more than offset
16 any" -- actually, I'll scratch that question.

17 So if you go back to the other page, page 2,
18 it says, the last sentence, it says, "Any violation,"
19 it goes on to say, "the employee will immediately
20 tender back to the company any severance benefits
21 received under the agreement as a result of such
22 breach."

23 Are you aware that there's an argument that,
24 if you're in violation of this severance agreement,
25 you would have to return the \$11,425.27?

1 A But I'm not in violation of the severance
2 agreement --

3 Q Yeah, that wasn't my question. Are you
4 aware that there's an argument that you might have to
5 give that money back? Or is that news to you?

6 A That's news to me.

7 Q Are you concerned by that news? Again, you
8 might not agree with it, but is that concerning?

9 A I'm not sure.

10 Q Outside of talking to your lawyer, are you
11 going to do anything to determine whether this is
12 something you should be concerned about?

13 A I doubt it.

14 Q And why not?

15 A Because it's not my interpretation of it.

16 Q I'm not trying to be cute or anything. So
17 you're that confident that your interpretation is
18 correct?

19 A I'm fairly confident.

20 Q If we look at paragraph 18, it starts with
21 acknowledgement -- or that's the caption,
22 "Acknowledgement." So I'll give you a chance to read
23 this paragraph.

24 And my question is: Do you understand that
25 this means, when you signed the agreement, you were

1 representing that you understood and agreed to the
2 waiver we just discussed?

3 A To be honest with you, you know, it was --
4 it was an upsetting day. And when they show up at
5 your desk to escort you out, and they hand you this
6 package, it all happens in less than 15 minutes. You
7 don't have time to sit and read through this document
8 word for word.

9 MR. BLOCK: I actually don't have a
10 clock on me. I feel like we've been going for a
11 while.

12 MR. ROBERTS: It's 10:45.

13 MR. BLOCK: You want to take a ten-,
14 15-minute break? What's best for you all?

15 MR. ROBERTS: Ten sounds good.

16 MR. BLOCK: Okay.

17 THE WITNESS: Sure.

18 THE VIDEOGRAPHER: Off the record at
19 10:45.

20 (Off the record.)

21 THE VIDEOGRAPHER: Back on record at
22 10:57. Please proceed.

23 BY MR. BLOCK:

24 Q All right. Ms. McKnight, just before the
25 break, I think you testified that you only had 15

1 minutes to sign this or something along those lines.

2 Am I recalling that correctly?

3 A That's what I recall.

4 Q All right. And you see the date you signed
5 the document? It's that last page we looked at
6 before. June 7, 2019?

7 A Yes.

8 Q And then do you see, back on the Termination
9 of Employment that we looked at before, it says your
10 employment will end on May 21, 2019 -- sorry, May 21,
11 2019 -- make sure I said that right.

12 A Mm-hmm.

13 Q Okay. Does that help with your recollection
14 that you did not sign this 15 minutes after receiving
15 it but, in fact, more like three weeks?

16 A I don't know when I would have signed it.

17 Q Well, what about --

18 A I mean, I -- I thought it was at -- at the
19 time that I was being escorted out, so --

20 Q Well, you dated it, and that's your
21 signature -- page 7.

22 A Yeah, that is. That is. I agree to that.

23 Q Do you have any reason to doubt that that
24 date is correct?

25 A No.

1 Q All right. So does that help your
2 recollection that you did not sign this 15 minutes
3 after receiving it?

4 A Well, I don't know when I received it. I
5 mean, I obviously received it on June 7th.

6 Q But what about if we look -- well, let's ask
7 this a couple of different ways. So you think it's
8 possible that you received this document for the first
9 time three weeks after you were working at Quanta?

10 A That's what it looks like.

11 Q Like, potentially in the mail?

12 A I don't think it would have come in the
13 mail. Yeah, I couldn't have signed it then.

14 Q Right. And if we look at the page before,
15 it says "Quanta Service HR Termination Checklist,"
16 that's dated 5/21/19. Do you see that?

17 A Yes.

18 Q Does that help you remember that this was a
19 document you received on 5/21/19?

20 A That -- this document was 5/21/19?

21 Q Yeah. It's a checklist of the various
22 things that are going to happen on the last date of
23 employment?

24 A Right.

25 Q So I'm asking if that helps you recall that

1 you received the severance agreement on 5/21/19.

2 A No, that doesn't help me recall.

3 Q So to the best of your recollection, how do
4 you recall receiving this document? In person? Some
5 other way?

6 A I really have no idea. I -- I was thinking
7 it all happened at the same time.

8 Q We can move on then. Okay. Let's go back
9 to your LinkedIn profile to the extent it's helpful
10 for you to remember dates and such. So after Quanta,
11 you returned to QBRE. Is that --

12 A KBR.

13 Q KBR, sorry. Is that correct?

14 A Yes.

15 Q Do you recall what you invested when you
16 were in the KBR retirement plan?

17 A No.

18 Q Do you recall if you rolled over -- well, do
19 you understand what the term "rollover" means?

20 A I do.

21 Q Do you recall if you rolled over money from
22 your Quanta 401(k) plan into the KBR plan when your
23 employment with Quanta ended?

24 A I think I probably did.

25 Q And do you have any recollection of why you

1 did so, if you did?

2 A Just to have all the money in the same
3 place.

4 Q All right. And then after returning to KBR,
5 then you worked and are still working at Worley; is
6 that correct?

7 A Yes.

8 Q What attracted you about the opportunity at
9 Worley?

10 A Oh, I need to update that. KBR, Inc., says
11 November to present, and Worley says October to
12 present. So I need to update that.

13 Q It should say just for clarity, I guess, the
14 record, it should say --

15 A October of '22, yeah.

16 Q For KBR.

17 A Yes. Yeah. So KBR was a project -- on this
18 particular assignment, KBR was a project building a
19 Methanex unit in Geismar, Louisiana. And I was hired
20 to be a senior accountant and was asked then to do
21 this track implementation, which is a time and
22 attendance type thing where people swipe in and out of
23 the gate and collect their hours.

24 And then -- so I spent a year in Louisiana,
25 and that's when Worley reached out to me and asked me

1 if I wanted to come on board with them. A lot of the
2 employees that are currently at Worley and that have
3 been there the last several years, I worked from --
4 with them at Brown & Root, KBR, for years.

5 Q And do you participate in Worley's 401(k)
6 plan?

7 A I do.

8 Q Do you have any issues with the investments
9 offered in its 401(k) plan?

10 A Not at this time.

11 Q Not at this time. What would cause you to
12 change your opinion?

13 A I would have to learn that something was
14 being mishandled.

15 Q Are you interested in finding out if that's
16 the case?

17 A I would look into it.

18 Q And what would you do to look into it?

19 A Look at my documents. I mean, again, this
20 is not my field of expertise. I'm not knowledgeable
21 about it. I leave it up to the experts, you know,
22 to -- to recommend what I should be doing.

23 So I'm, you know, I'm not married. I depend
24 on the experts to -- to provide me that information.
25 No different if -- than if I go to the doctor. I

1 don't go into a doctor's office and tell them what's
2 wrong with me; I let them tell me what's wrong with
3 me.

4 Q Right. I think that's a good and
5 interesting metaphor; right? Tell me if it's true;
6 right? You go to a doctor on a recurring basis?

7 A Do I?

8 Q Right, like you go in for checkups or
9 whatnot.

10 A Yeah, yeah.

11 Q So, right, because you need the experts help
12 to understand what's going on and it's important to
13 you, your health?

14 A Right.

15 Q So I guess my question is -- right --
16 someone has told you something is wrong with the
17 Quanta 401(k) plan, and you sued. Now you're in this
18 Worley 401(k) plan.

19 How come you haven't gone to an expert to
20 find out if something's wrong with that? Is it
21 because the 401(k) plan is not important? Is there,
22 you know, some other reason?

23 MR. ROBERTS: Object to form.

24 A 401(k) plan is very important.

25 Q So why haven't you gone to an expert to

1 understand if Worley is mismanaging its 401(k) plan in
2 any way?

3 A I haven't had reason to.

4 Q What would give you reason to?

5 A It would have to come to my attention that
6 it's been mismanaged.

7 Q So your testimony is, unless someone reaches
8 out to you and tells you it's mismanaged, you're not
9 going to be concerned about it?

10 A That's not what I said.

11 Q So please rephrase.

12 A As -- again, it would have to come to my
13 attention that it's being mismanaged.

14 Q And I'll move on soon. I guess I'm just
15 struggling -- why isn't it an important enough issue
16 for you to proactively seek out advice to find out if
17 it's being mismanaged or not?

18 MR. ROBERTS: Object to form.

19 A I think that's a personal decision.

20 Q Let's look at one of your documents. And
21 while I do that, I guess -- because it'll take a
22 minute -- what do you mean by "It's a personal
23 decision"?

24 A It's -- it's my decision as to when, where,
25 and how I choose to look into it.

1 Q I'm going to introduce Exhibit 4, which is
2 another Form 5500.

3 (Exhibit 4 was marked for
4 identification.)

5 This is the 2022 one for Worley -- and,
6 again, take your time to look through it. But I'm
7 just going to be interested in that page -- in this
8 case, it's in the back. But it's not the exact same
9 spot as the other one. I'll direct you because this
10 chart looks like -- okay.

11 So it's -- oh, there it is -- page 12, but
12 towards the back. So if you go all the way to the
13 back and then you, like, go back a couple pages,
14 you'll see a page that looks something like this.
15 Okay. First of all, I guess, do any of these
16 investments look familiar to you?

17 A I mean, I'm familiar with some of the names.
18 But --

19 Q Do you recall what you're currently invested
20 in?

21 A Whichever plan was recommended to me.

22 Q And I'm asking if you recall what that is.

23 A No.

24 Q Okay. So in column B, there's a bunch of
25 investment manager names. Do you see that? There's

1 Principal Life Company, Vanguard Group, PIMCO, Loomis
2 Sales. Do you see those names?

3 A Yes.

4 Q Okay. Sitting here today, do you have any
5 concerns about any of those investment managers?

6 A I can't answer that because I'm not familiar
7 enough with them.

8 Q So is that to say you have no concerns?

9 A Well, I -- I don't -- several of these, I
10 don't even recognize the names. So at this time, I
11 don't have any concerns.

12 Q Which are the names that you recognize? If
13 you could just list them off.

14 A I mean, I recognize the name Principal. I
15 recognize the name Vanguard. But then when you look
16 in column C, I don't know what the Principal Lifetime
17 2010 fund is, 2015 fund. I don't -- I don't know the
18 details of those individual investment descriptions.

19 Q And I'm just asking in column B which names
20 you recognize. And it sounds like your answer is
21 Principal and Vanguard. Is there any other names?

22 A Well, I only -- I recognize Principal
23 because that who -- that's who is managing. And
24 then I see Fidelity up there. But that's really it.

25 Q And as you pointed to the Principal Lifetime

1 2010, 2015 funds, et cetera, do you know whether those
2 are target date funds or not?

3 A No.

4 Q Do you know what a target date fund is?

5 A No.

6 Q Are you suing related to a target date fund?

7 A I don't know.

8 Q Okay. In column B, one of the advisors is
9 Dimensional Fund Advisors. They offer a fund called
10 DFA International Sustainability Corps in this plan.
11 Have you ever heard of Dimensional Fund Advisors
12 before?

13 A Not that I recall.

14 Q Are you suing related to any funds offered
15 by Dimensional Fund Advisors?

16 A I can't answer that.

17 Q Why can you not answer that?

18 A Because I don't know the details off the top
19 of my head.

20 Q Okay. So you're not sure if you're you are
21 or are not suing related to a fund offered by
22 Dimensional Fund Advisors?

23 A That's correct.

24 Q All right. Well, in your word then, what is
25 this lawsuit about? This lawsuit we're sitting here

1 today, just to be clear which one I'm talking about.

2 A That -- that the investment accounts that I
3 participated in were not necessarily the -- the best
4 accounts for me. There were other accounts that I
5 could have been invested in had the committee been
6 properly doing their job where I would have had a
7 better ROI.

8 Q So there's a couple of pieces that I want to
9 follow up on. What do you mean by "investment
10 account"?

11 A The -- the different investment accounts
12 that you're part of.

13 Q Is it fair to describe them as like funds,
14 investment funds?

15 A Funds, sure.

16 Q Okay. Just want to make sure we're on the
17 same page for some basic terminology. And then you
18 said at the end that you would have got a better ROI
19 if they had selected better funds. Am I summarizing
20 what you said correctly?

21 A Yes.

22 Q All right. So is that -- well, let me ask
23 it this way, I guess. So what's your understanding of
24 how the plan or its participants, including you, were
25 harmed by this alleged mismanagement?

1 A Because there was an opportunity there that
2 we could have gotten a better return on our investment
3 than what we were given.

4 Q So that relates to this next question: What
5 remedies are you seeking in this lawsuit?

6 A Ultimately, it's up to the court to decide.

7 Q But what are you seeking?

8 A I'm -- I'm asking the courts to -- to take a
9 look at this case and look at how things were handled
10 for everybody that was invested in it and ensure that
11 it was done correctly.

12 Q Well, I'll try to help you out. Right? So
13 based on your last answer about you think the funds
14 should have had better ROI, so you're seeking money
15 damages; right?

16 A Again, that's up to the courts to decide.

17 Q All right. But what are you seeking? If
18 the court finds in your favor, what would you like the
19 court to award you for your loss?

20 A I think the -- I think the -- the funds
21 would have to be -- you know, I think there is more
22 investigation required. I -- I don't have a number.

23 Q Oh, I'm not asking for a number. I just
24 want to make sure what you're seeking is more money.
25 You're not seeking, I don't know, to terminate the

1 plan or some, you know, to throw out an example,
2 right? Like what you're seeking is --

3 A Well, what I -- I would seek also is that
4 they put something into place to ensure that this
5 doesn't ever happen again.

6 Q And how would that impact you as a former
7 participant?

8 A It wouldn't, but it would protect those that
9 are -- that are still there.

10 Q Okay. Let's go back to the second -- I
11 think you've talked about this in different ways, but
12 we'll just run through it. Okay. Do you consider
13 yourself a knowledgeable investor?

14 A No.

15 Q Why not?

16 A Because it's not my area of expertise.

17 Q Okay. During the time you participated in
18 the plan, what factors did you consider when making
19 decisions about a particular investment?

20 A I -- I really just went with whatever was
21 recommended to me.

22 Q All right. So instead of going line by
23 line, I'll just list out a bunch of things and just
24 confirm these were not things you considered. Or if
25 they were, let me know.

1 So performance history, asset style, asset
2 class, cost, management style, fees, risk. Do you
3 consider any of those things when selecting
4 investments?

5 A Not really.

6 Q So are any of those factors more important
7 to you than others?

8 A Well, obviously at my age, I wouldn't want
9 to be in one that's, you know, at a very high risk.

10 Q All right. So can you repeat that? I want
11 to make sure I heard that right. You said you would
12 want to be in a fund that is high risk or not high
13 risk?

14 A Not high risk.

15 Q Okay. Yeah, so that answers one of my
16 questions. So the importance of risk may have changed
17 for you over time as you get older. It's more
18 important to you to be in something that's less risky;
19 is that correct?

20 A That's correct. Well, it's really -- it's
21 a -- it's a good mix, right? You know, you -- you
22 want to have -- you -- you just want to get the most,
23 you know -- you know, the most out of it that you can
24 without, you know, I don't know, stock markets
25 crashing tomorrow and you losing it all.

1 Q So I think that also, actually, you're
2 anticipating some of these questions. So do you
3 understand that, when investing, there's a trade-off
4 between risk and return?

5 A Yes.

6 Q And that not all investors have the same --

7 A But that's in life too, though. It's not
8 just --

9 Q Sure. I agree. I agree with that. Do you
10 understand that not all investors have the same
11 investment philosophy? Some want more risks, some
12 want less risks, some might value active management,
13 some might value passive management, so on and so
14 forth?

15 A I'm not really aware of that.

16 Q Do you think all investors have the same
17 investment philosophy?

18 A I don't really give it -- I -- I mean, I'm
19 inclined to say no, they don't, because you look at
20 people like -- what was that -- Bernie Madoff and, you
21 know, all those scams all the time. So I'm sure
22 everybody's, you know, philosophy is -- is different.

23 Q Sure. And putting aside, I guess,
24 fraudulent scammers, I guess I'm just simply asking,
25 right, a younger investor might be willing to take on

1 more risks than an older investor, for example.

2 A I think that would depend on who his client
3 is.

4 Q So within -- let's just use the Quanta
5 401(k) plan as an example. Do you have any idea of,
6 roughly, how many participants are in the 401(k) plan?

7 A I do not.

8 Q Do you have any idea, roughly, how many
9 people are in the class you're seeking to represent?

10 A I do not.

11 Q Well, within a plan as large as Quanta -- we
12 don't know, I guess, how many people it is -- but
13 would you agree that different participants have
14 different investment philosophies and value
15 different -- let's stop there and make a simple
16 question.

17 Would you agree, in a plan as large as
18 Quanta, that different investors have different
19 investment philosophies?

20 A Potentially. I guess they could.

21 Q I mentioned before active and passive
22 management. Do you know what those terms mean?

23 A In general, yes.

24 Q Okay. Tell me what your general
25 understanding is.

1 A Ask the question again. What's the
2 difference between active and passive management?

3 Q Yes.

4 A In -- as related to managing these funds?

5 Q Try answering it that way, and I'll ask
6 another question if that's not what I was going for.

7 A Well, what -- what were you going for?

8 Q Well, yeah, I think we're on the same page,
9 but I'm not sure until you answer. So just try it.
10 Give it a go and if --

11 A I'm really confused.

12 Q Okay. Sure. So a given fund could be
13 actively managed or passively managed, and I'm asking
14 if you know what that means. What would be the
15 difference between that actively managed fund and that
16 passively managed fund?

17 A An actively managed fund would be, I guess,
18 where somebody's more involved and, you know, looking
19 at it and staying on top, and passive would be just
20 the opposite.

21 Q Do you have an understanding of if one of
22 those styles tends to be more expensive than the
23 other? Is active or passive more expensive than the
24 other?

25 A I have no idea.

1 Q What publications and materials did you rely
2 on or do you rely on when making investment decisions,
3 if any?

4 A I don't. I just go with what's recommended.

5 Q So no newspapers, TV, magazine, internet
6 sources, blogs, books, family members, friends?

7 A No.

8 Q Have you ever done any financial or
9 retirement planning?

10 A No. Other than my 401(k)s, no.

11 Q Well, have you ever worked with an
12 investment advisor?

13 A No.

14 Q Okay. And I know we have some documents you
15 produced related to this. So do you have an
16 understanding today where your investments are, not
17 what funds they're in, just like where they sit? So
18 in the Worley plan would be one place; right?

19 A Right.

20 Q Are they anywhere else?

21 A I still have some in Vanguard. And I still
22 have -- think I still have the rollover at Fidelity.

23 Q And with Vanguard, is that money in a 401(k)
24 plan, or is that like a IRA? Or do you know?

25 A It's in a 401(k) plan. It's just not

1 active. I need to move it to Worley.

2 Q And what employer is it from? Or what
3 employer's 401(k) plan is it in?

4 A For which one?

5 Q You said your Vanguard money --

6 A Oh, that's KBR.

7 Q Okay. Do you know if you're invested in any
8 individual stocks?

9 A I -- I don't think so.

10 Q I won't go too much in this. But is your
11 spouse, was he formerly employed at Quanta?

12 A No. My spouse was almost 20 years ago,
13 so --

14 Q I could be mixing up named plaintiffs too,
15 it's possible. I think it's funny; right? Marie and
16 Mary?

17 A Yeah.

18 Q Okay. Have you ever talked to her about
19 that?

20 A I've never spoken to her.

21 Q Well, I guess that could be a good lens to
22 get at my previous question. Do you know if you and
23 her have the same investment philosophy or not?

24 A I do not.

25 Q Possible that it differs?

1 A It could; we're two different people.

2 Q And because people have different investment
3 philosophies, you think it's a good idea to offer a
4 range of investments that may cater to people's
5 different, you know, interests?

6 A I would agree with that.

7 Q This is the big document.

8 (Exhibit 5 was marked for
9 identification.)

10 We're not going to go over anything close to
11 all of it. But take a peek at it just enough to be
12 able to answer the question: What is this document?

13 A So it's just a statement.

14 Q Yeah. Whose statement is it?

15 A From Quanta, for retirement and savings.

16 Q And whose retirement savings? If you look
17 on the first page, for instance, in the upper left,
18 that'll tip you off.

19 A You mean, myself?

20 Q Yeah.

21 A Oh.

22 Q Yeah. That's all I was going for. We just
23 have to lay the foundation about what the document is.
24 So I'm asking you sometimes some questions I
25 definitely know the answer to. Okay. Do you know, of

1 the funds challenged in the complaint, which ones you
2 are invested in?

3 A No.

4 Q Okay. Let's then introduce one more
5 exhibit. So we'll keep this one -- we're not done
6 with it. But I'm also going to introduce Exhibit 6,
7 which is the class action complaint that you filed on
8 September 22, 2022.

9 (Exhibit 6 was marked for
10 identification.)

11 MR. BLOCK: I know you have it
12 memorized, John, but just in case, there you go.

13 BY MR. BLOCK:

14 Q Do you recognize this document?

15 A I do.

16 Q Have you ever seen it before?

17 A I have.

18 Q The first time you saw it, was it before or
19 after it was filed?

20 A That, I don't recall.

21 Q Okay. So I just wanted to use this to help
22 point you to the funds that are being challenged in
23 your complaint so you don't have to take my word for
24 it.

25 So -- the cleanest way to do this is. Okay.

1 So you see maybe on page 8, it says -- there's a
2 heading that says "The Plan's Investment in the
3 Fidelity Freedom Funds."

4 A Mm-hmm.

5 Q And then if you look on page 11, it says
6 "The Active Suite is High-Risk and Unsuitable for Plan
7 Participants." Do you see that heading?

8 A Mm-hmm.

9 Q Okay. So does that help refresh your
10 recollection about what was one of the investments
11 that you're challenging in your lawsuit?

12 A Not really -- I mean, it's part of the
13 Fidelity Freedom Funds, right?

14 Q Right. Yeah, I could have just done this
15 and said, "Here's what you're challenging" and
16 stipulate to it or whatever. But I thought this would
17 be better. But maybe that was wrong.

18 But, right, yeah, one of the funds is the
19 Fidelity Freedom Funds, or the active suite, which you
20 can see on page 9 is defined as "Fidelity offers
21 riskier and more costly Freedom funds and the less
22 risky and less costly Freedom Index funds, the index
23 suite."

24 So that's where those terms come from.

25 Okay. And then if you look on page 25, it says the

1 American Beacon Small Cap Value Fund. You see that?

2 A Mm-hmm.

3 Q Okay. That's one of the funds your
4 complaint is challenging. And DFA International Small
5 Cap Value Fund on page 29, that's the third fund that
6 you're challenging. Do you see that?

7 A Yes.

8 Q Okay. Having looked at those three funds,
9 does that help you recall which, if any of these funds
10 you were invested in?

11 A No.

12 Q Do you think it's important as the named
13 plaintiff to understand what are the funds you're
14 challenging in the lawsuit and which ones you're
15 invested in?

16 MR. ROBERTS: Object to form.

17 A I think, I mean, I guess it -- it is
18 important, but that's what I have an attorney for.

19 Q Let's go back to your account statements,
20 and I'll just try to make this less like a root canal
21 or something like that.

22 A Thank you.

23 Q Okay. We can go to, at the bottom right,
24 you see there's these things called Bates labels.
25 They're Quanta, and then they have an underscore and

1 some numbers?

2 A Yes.

3 Q Okay. So let's flip to Quanta underscore
4 002090. Okay. You see it says "Stock investments,"
5 and it has lists of different investments that you're
6 invested in?

7 A Yes.

8 Q Okay. And the first one listed is ABF Small
9 Cap Value R5. Do you see that?

10 A Mm-hmm.

11 Q Okay. So I'll --

12 A Yes. Sorry.

13 Q -- tell you that's the -- no problem. I'll
14 tell you that's the American Beacon Small Cap Value
15 Fund.

16 A Okay.

17 Q So that's one of the ones you're invested in
18 that you're challenging. Does that make sense?

19 A Yes.

20 Q Okay. And if you look at the market value
21 as of 9/30/2017, you have \$108.47 in it. Do you see
22 that?

23 A Yes.

24 Q And then as of 12/31/2017, you have \$0 in
25 it.

1 A Yes.

2 Q Well, let me ask the first question. Do you
3 know if, at any point after 12/31/2017, you had any
4 money invested in the American Beacon Small Cap Value
5 Fund?

6 A I don't know.

7 Q If I tell you that you didn't, would you
8 believe that? We could also go through this, but --

9 A Sure. I believe you.

10 Q Yeah. Okay. Okay. Now let's flip to
11 underscore 002145. All right. So now we see the same
12 list of funds before. Do you see in that list the
13 ABF -- the American Beacon Fund -- is not there? Do
14 you see that and agree?

15 A I agree.

16 Q Okay. But on that list is DFA Intl
17 International Small Cap Value. Do you see that?

18 A Yes.

19 Q Okay. So that's one of the other funds that
20 the complaint -- that you're invested in.

21 A Okay.

22 Q Okay. And it says, as of 12/31/2018, you
23 had \$79.78 in it. Do you see that?

24 A 12/31?

25 Q Yeah. As of 12/31/2018, it says you have

1 \$79.78.

2 A Where are you seeing the 12/31 at?

3 Q I'm still on 002145. Looks like maybe on a
4 different page. What's the Bates number at the
5 bottom?

6 A 2115.

7 Q So you're looking for 02145.

8 A Oh, 4-5. No wonder I couldn't find it.
9 There we go.

10 Q Okay. So if you look at DFA Intl Small Cap
11 Value, and you keep going to the right, you'll see
12 \$79.78 as of 12/31/2018. Let me know if you see that.

13 A What was the amount again?

14 Q \$79.78.

15 A Oh, I see it.

16 Q Okay. And then as of 03/31/2019 or March
17 31, 2019, you had \$0 in it. Do you see that?

18 A I do.

19 Q Do you remember if you had any money
20 invested in the DFA International Small Cap Value Fund
21 at any point after this?

22 A I don't recall.

23 Q And we can go through your top statements.
24 But do you believe me if I tell you after this point
25 you didn't have any money invested in this fund?

1 A If -- if you say so.

2 Q Okay. If your lawsuit alleges that these
3 two funds that we talked about -- the American Beacon
4 Fund and the DFA International Fund -- should have
5 been removed in the first quarter of 2020, how would
6 you have been harmed by that if you were in neither of
7 those funds at that point?

8 A I would have to go back and do some research
9 on this before I could answer that.

10 Q What would you need to look into?

11 A Into all the documents and really do some
12 research.

13 Q What would you be looking for?

14 A To see if I was ever invested in that fund
15 again.

16 Q Okay. And I'm happy to go through that now,
17 but like we just said before, assume with me that you
18 were not invested in those funds at any point. So
19 let's take that as a given. And we can go through and
20 also prove it out.

21 My same question from before: How would you
22 be harmed if you were not invested in these funds
23 prior to 2020? Sorry, let me say that again. I
24 butchered the question.

25 So we're going to take it as a given that

1 what we've just said is true, that as of March 31,
2 2019, you were not invested in either the DFA
3 International Small Cap Value Fund or the American
4 Beacon Fund.

5 So my question is: If the allegation is
6 those funds should have been removed in the first
7 quarter of 2020, how would you have been harmed by
8 that if you had no money in either of those funds?

9 A You said March 31, 2019, but I did have
10 money in there. I'm confused with your dates you're
11 throwing out.

12 Q So in March 31, 2019, you see you had \$0 in
13 the DFA International Small Cap Value Fund?

14 A Oh, that's the price. Yes.

15 Q All right. So that's my question. So if
16 you had zero dollars in that fund, the DFA
17 International Small Cap Value Fund, and \$0 in the
18 American Beacon Fund as of 2019, and your complaint
19 alleges that those funds should have been removed in
20 the first quarter of 2020, my question is: How could
21 you have been harmed by that if you had no money in
22 either of those funds at the time that Plaintiffs said
23 they should have been removed?

24 A I would have to go back and look through
25 everything.

1 Q I'm not trying to be difficult. Like, we're
2 taking it as a given you have no money in it, so I
3 don't understand what it would be that you need to
4 look, through. It sounds like you're saying "I need
5 to look through to see if I have money in it"; is that
6 right?

7 A Well, it's -- yeah. I mean, at some point,
8 I would -- I would just have to go back and -- and
9 look through it all and determine, you know, whether
10 or not I had funds in there in 2020.

11 Q All right. So let me ask a different way.
12 I think we've gone through this. You would agree with
13 me that, if you had no money in those funds as of
14 2020, you wouldn't have been harmed by the allegation
15 that those funds should have been removed in 2020?

16 A No, I wouldn't agree because I would have to
17 understand why I was no longer investing in those
18 funds.

19 Q We can try this a different way. Okay? So
20 if you had \$0 in both of those funds in 2020, and
21 those funds were removed in 2020 and put in a better
22 performing fund, would you have made any more money?

23 A It depends on -- you would have to compare
24 the two different -- both funds at the same time.

25 Q Right. But if you had no money in them, you

1 wouldn't have made more or less money because you have
2 no money in them; right?

3 A I don't believe that to be correct.

4 Q Tell me, in what way is it incorrect?

5 A Well, again, if -- if, you know, when was --
6 when was the decision made to move the money out of
7 there, and what fund did they move it to?

8 Q All right. Let me try this one more way.
9 And I'm going to try this a bunch of different ways
10 until we get there. Okay? Have you heard of the
11 stock NVIDIA?

12 A No.

13 Q Okay. Have you heard of the stock Apple?

14 A Oh, the stock.

15 Q Yeah.

16 A Apple stock.

17 Q Yeah.

18 A Yes.

19 Q Okay. Do you know if you have any money in
20 Apple stock?

21 A I do not.

22 Q You have no money in it; right?

23 A No.

24 Q Okay. So if Apple stock does really well,
25 does it make a difference to you as far as how much

1 money you have?

2 A No.

3 Q Right.

4 A Because I don't have any money in it.

5 Q Right. So that's exactly my question here.

6 If you have no money in the DFA International Small
7 Cap Fund and the American Beacon Small Cap Fund, then
8 it doesn't make a difference to you how those funds
9 do; right --

10 A Well, it -- it does make a difference to me
11 because I would need to understand why I was no longer
12 participating in this fund and why it was moved and
13 where -- where it was moved to.

14 Q Help me understand. So why does it matter
15 how many dollars you have based on where it was moved
16 to?

17 A Because I wasn't the one making the decision
18 on where to move money from one fund to another.

19 Q All right. We're going to try this a couple
20 different ways. Are you aware that, in this lawsuit
21 that you're a named plaintiff of, you've issued expert
22 reports?

23 A That -- issued expert reports?

24 Q Yeah. Are you aware that the named
25 plaintiffs, you and Ms. Laliberte, you have issued

1 expert reports in this case?

2 A My attorneys are aware of it.

3 Q So are you aware of it?

4 A Not particularly.

5 Q Have you ever seen any expert reports in
6 this case?

7 A No, not that I recall.

8 Q So I'm going to introduce to you one of the
9 expert reports in this case if I can figure out how to
10 use this stapler. And I'll mark it as Exhibit 7.

11 (Exhibit 7 was marked for
12 identification.)

13 This is the expert report of Richard A.
14 Marin dated August 1, 2024. And I didn't include some
15 of the stuff in the back because I'm not going to ask
16 about it. But I can give it to you if you want.

17 MR. BLOCK: John, do you have your
18 laptop with you --

19 MR. ROBERTS: We'll get it. That's
20 fine.

21 MR. BLOCK: -- the exhibit?

22 MR. ROBERTS: Yeah.

23 MR. BLOCK: Okay. Yeah. I appreciate
24 it. Thanks, John. I appreciate it --

25 BY MR. BLOCK:

1 Q Okay. And I want to turn your attention to
2 paragraph 69 of this. Let me know when you're there.
3 It's on page 37.

4 A Okay.

5 Q Okay. Do you understand that this is a
6 report issued by one of your experts?

7 A I do.

8 Q Okay. And it says, "An application of an
9 objective investment monitoring and removal framework
10 consistent with the plan's IPS would have resulted in
11 the removal and replacement of both the American
12 Beacon Fund and DFA Fund in a plan no later than the
13 first quarter of 2020." Do you see that?

14 A Yes.

15 Q Okay. So that's saying, according to your
16 expert, these two funds should have been removed in
17 the first quarter of 2020.

18 A But it says first quarter of 2017.

19 Q Where do you see that? Are you looking at
20 paragraph 69?

21 A Oh. No, I was looking at 66.

22 Q Yeah, that's about the Freedom Funds. We're
23 on paragraph 69. You weren't investing in the Freedom
24 Funds; do you agree with that? We didn't see that on
25 any of your --

1 A Right.

2 Q -- statements? It's just the first sentence
3 on paragraph 20 -- sorry -- paragraph 69.

4 A Okay.

5 Q All right. So do you understand that your
6 expert is saying the American Beacon Fund and DFA Fund
7 should have been removed from Quanta's 401(k) plan in
8 the first quarter of 2020?

9 A That's what it says, yes.

10 Q Okay. So can you articulate to me how, if
11 that was done, as Plaintiff's expert said it should be
12 done, you would have made any more money?

13 A Well, it says no later than the first
14 quarter of 2020. And I thought the documents we
15 looked at before said as of, what was it, 2019?

16 Q Right. So if they're saying it should have
17 been removed in the first quarter of 2020 --

18 A They're saying no later than the first
19 quarter of 2020.

20 Q And we can go through this. I'm trying to
21 cut through it; right? Like, if they wanted to say
22 the first quarter of 2019, they could have said that;
23 right?

24 So just assume with me -- you can disagree
25 with it -- that this means they should have been

1 removed in the first quarter of 2020. My question is:
2 How would you have made a penny more if that happened
3 in the first quarter of 2020?

4 A But it says no later than the first quarter
5 of 2020, which means, you know, even though I -- based
6 on what you've shown me so far, I wasn't a participant
7 in the first quarter of 2020. You know, leading up to
8 that, I was a participant --

9 MR. ROBERTS: Yeah, and I'm going to
10 help, because I see where you're going. And I think
11 I'm just trying to bridge the gap here.

12 He's saying, setting aside the language
13 that, you know, says "no later," and setting aside
14 that maybe in your view it could have been a separate
15 date, if the replacement was made on 2020, and you
16 weren't invested as of 2020, what additional money
17 would you have gotten if you weren't actually invested
18 as of 2020, if they changed funds?

19 THE WITNESS: Yeah. I -- I probably
20 wouldn't -- I wouldn't have gotten anything. But this
21 suit isn't about just me.

22 BY MR. BLOCK:

23 Q No. Yeah, and I understand that. That's
24 all I was looking for, is that saying you would not
25 have got anything more. Other people might have, but

1 you would not have gotten any more.

2 A Right. Right.

3 Q So we agree about that?

4 A Yes.

5 Q Okay. So for other people -- actually, no,
6 let's leave it there for now. Okay. Okay. Let's
7 look at one more expert report. You can put that one
8 aside. Oh, there we go. Okay. So I'm introducing
9 Exhibit 8, the expert report of Adam Werner.

10 (Exhibit 8 was marked for
11 identification.)

12 MR. ROBERTS: Thanks.

13 BY MR. BLOCK:

14 Q And actually, we can look more at it in a
15 second. I have a few questions, I guess, before. So
16 this -- well, did you know that you had an expert who
17 calculates damages in this case?

18 A Not in particular. But, you know, I don't
19 really expect to know all the details.

20 Q Would it surprise --

21 A It makes sense.

22 Q Yeah. Would it be surprising to you if, for
23 the two funds you invested in -- the DFA International
24 and the American Beacon Fund -- that your expert
25 calculated there were \$0 in damages for those two

1 funds?

2 A Where's he saying that at?

3 Q Yeah. You don't have to look at it yet.
4 I'm just asking if that would surprise you.

5 A Yes.

6 Q And why would it surprise you?

7 A Because if he was saying that there's no
8 damages from it, why are we at this point now?

9 Q So said differently, too, if there were \$0
10 in damages for it, even if you were in the funds when
11 they're being challenged, you wouldn't be making a
12 penny more if there were \$0 in damages?

13 A Didn't we just go through that?

14 Q Yeah, but I'm putting aside the timing
15 issue. Now, I'm asking a separate issue. If your
16 expert calculates there's \$0 in damages, then isn't
17 that another way in which you wouldn't have any
18 financial stake in the outcome?

19 MR. ROBERTS: Object to form.

20 A Yeah, I think that -- I mean, just because
21 you go with expert witnesses -- and then I can't say
22 that that's what he said in here because I haven't
23 read it.

24 But just because, you know, each side
25 provides expert witnesses, it doesn't mean that, you

1 know, the jury or the judge or whoever is, you know --
2 one's going to outweigh the other one in what they
3 say.

4 Q So let's go to paragraph 16, which is on
5 page 6. He says, "As of June 30, 2024, there was no
6 losses attributable to the plan participants as a
7 result of Quanta's failures to replace the American
8 Beacon Fund and the DFA Fund with the Janus Henderson
9 Small Cap Value N and Schwab Fundamental International
10 Small Cap Equity, respectively, by Q1 2020." Do you
11 see that?

12 A I'm reading it. I see that.

13 Q All right. What does that mean to you?
14 Specifically that there were no losses attributable to
15 plan participants?

16 A Where do you see it saying "no losses"? Are
17 you on section 14?

18 Q No, I'm in paragraph 16, that second
19 sentence. It says "there were no losses attributable
20 to plan participants as a result of Quanta's failures
21 to replace the American Beacon Fund and DFA Fund."

22 A And what's the question?

23 Q What does that mean to you?

24 A What he's saying is there were no -- no
25 losses in -- in those two funds, right?

1 Q So based on our conversation today,
2 including looking at your experts' reports, do you
3 believe that you suffered any financial injury as a
4 result of something Quanta did or didn't do?

5 A I think there was potential that I did and
6 many others as well.

7 Q Do you think that in actuality there was?

8 A Again, that -- that would be up to the court
9 to decide. That's why we each have legal sides and
10 they go argue the case in front of the court. That's
11 not for me to decide.

12 Q All right. So sitting here right now, can
13 you identify any damages that you suffered based on
14 your investment in the American Beacon and DFA Fund?

15 A I can't identify anything at this point in
16 time, but I can't say that there -- there wasn't
17 potential to be.

18 Q And did your expert identify any damages?

19 A Well, you're saying he says, you know, he
20 didn't. But I haven't read the whole document. So
21 it's kind of hard to take one little paragraph or a
22 couple of sentences and -- if you don't understand the
23 entire context of what you're reading.

24 Q Okay. Well, feel free to read the whole
25 thing. That's the only paragraph related to the

1 American Beacon and DFA Fund. You can see the heading
2 right above it. It's just one paragraph.

3 A Mm-hmm.

4 Q All right. So maybe there's something --

5 A Yes.

6 Q -- else out there. But let's just say it's
7 true that your expert has calculated no damages for
8 those two funds --

9 A Based on the document he provided, that's
10 what he is saying, yes.

11 Q Okay. And I think you earlier used the
12 expression, "Well, what would we be doing here if
13 there were no damages?" So I guess my question is:
14 What do you think Quanta did wrong?

15 A I don't think that they managed the funds as
16 best that -- that they could have.

17 Q And you think that even though your own
18 expert calculates no damages?

19 A Yes.

20 Q And why is that?

21 A Because it's been proven.

22 Q How has it been proven?

23 A They could have managed the funds
24 differently.

25 Q And how has that been proven?

1 A Well, it's stated in this suit.

2 Q Okay. Aside from this lawsuit, did you ever
3 complain about any of the investments in Quanta's
4 401(k) plan?

5 A No, I never complained about it.

6 Q Did you ever lodge any formal complaints at
7 Quanta about anything at all? And that doesn't have
8 to be related to the 401(k) plan.

9 A Only, you know, in relation to my
10 termination. I don't know that it was a formal
11 complaint, but I discussed it with HR.

12 Q Have you ever heard of a legal concept
13 called "standing"?

14 A No.

15 Q So there's a concept in the law called
16 "standing" that says, to be able to bring a lawsuit,
17 you have to have been harmed in some way. Does that
18 sort of make sense as a general --

19 A Sure.

20 Q -- proposition? Okay. So based on that
21 general proposition, can you articulate to me how you
22 have standing to bring this lawsuit?

23 A Because there's potential that we were
24 harmed.

25 Q So would you agree with me that, if that

1 potential was never realized, and you were not harmed
2 and there were \$0 in damages for two funds that you
3 would never invested in in the period of time that
4 Plaintiffs said they should have been removed, that
5 you would not have standing?

6 A If the potential wasn't realized, we
7 wouldn't be here because I wouldn't be aware.

8 Q So I think you were agreeing with me; right?
9 You're saying you wouldn't have standing if the
10 funds --

11 A I didn't say I wouldn't have standing; I
12 said I wouldn't be aware. It doesn't mean that I do
13 or I don't have standing. But if it was never brought
14 to my attention, then I'm not aware of it.

15 Q All right. Well, I will try this one other
16 way too; right? We talked about before Apple stock;
17 right?

18 A Sure.

19 Q And you wouldn't have standing when you
20 agreed to sue Apple for the stock underperforming
21 because you weren't invested in Apple; would you agree
22 with that?

23 A I wouldn't have standing because I've never
24 been invested in Apple.

25 Q Okay. But if the allegation was Apple stock

1 underperformed from 2020 to 2024, and you were
2 invested in Apple stock in 2019, and you were not
3 invested in it in 2020 through 2024, would you agree
4 with me you wouldn't have standing to sue Apple about
5 the performance of that stock?

6 MR. ROBERTS: Object to form.

7 A I wouldn't -- you know, if -- if I was -- if
8 Apple stock was part of a plan, whether or not, you
9 know, I was participating at that particular point in
10 time, it's -- and then it was brought to my attention
11 that the funds weren't managed correctly, then yes, I
12 would have standing.

13 Q Let me ask this another way too.

14 A Because I'm not just suing for myself. It's
15 for -- for all of the plan participants that were
16 potentially harmed.

17 MR. ROBERTS: Sam, we've been going a
18 bit over an hour --

19 MR. BLOCK: Yeah. I think I'm about to
20 say I have no questions. But I'll --

21 MR. ROBERTS: Yeah, sure. Yeah.

22 MR. BLOCK: Okay. Yeah, we can take a
23 break.

24 THE VIDEOGRAPHER: Off the record,
25 12:01.

1 (Off the record.)

2 THE VIDEOGRAPHER: Back on the record,
3 12:43. Please proceed.

4 BY MR. BLOCK:

5 Q Okay. We'll hope you had a nice lunch
6 break. We'll try to move diligently through the rest
7 of this. Okay. Do you think that the plan offered
8 expensive investment options?

9 A Expensive?

10 Q Correct.

11 A I -- I really can't answer that question
12 because I never looked into it at that level. You
13 know, I went with what was recommended, so I don't
14 know what was expensive.

15 Q Do you know whether your lawsuit says
16 anything about whether any of the investments in the
17 plans are unduly expensive?

18 A Not particularly, no.

19 Q Do you know whether your lawsuit says any of
20 the investments in the plan were poor performers?

21 A Nothing stands out to me.

22 Q How often, you know, if at all, did you
23 review investments in the plan? And I should say, I
24 think we've been talking today about "the plan" and
25 have had an understanding, but the plan means the

1 Quanta 401(k) plan. Does that make sense?

2 A Is it applied to me? To -- to my plan?

3 Q So I say "the plan" as a whole. But this
4 question was: How often did you review your
5 investments in the Quanta 401(k) plan?

6 A Probably every couple of months or something
7 like that.

8 Q And what information did you review?

9 A I just looked at what my balance was.

10 Q Was it, like, the account statements mailed
11 to your house, or did you go on a website or something
12 else?

13 A It was probably a combination of both.

14 Q Do you recall ever changing your investments
15 in the plan?

16 A No.

17 Q Well, did you ever visit the plan's website?

18 A Yes.

19 Q And maybe similar to what we talked about
20 before, but how often?

21 A Once every couple of months or so.

22 Q And what were you looking for when you went
23 on the website?

24 A My balance.

25 Q Did the website have other information

1 beyond your account balance?

2 A I'm sure it did.

3 Q But you didn't seek that out?

4 A No.

5 Q Have you ever heard of a document called a
6 Summary Plan Description?

7 A Sounds familiar.

8 Q Do you know if there were any fee
9 disclosures available to you, either through the
10 website or mailed to you or through some other means?

11 A I'm sure there were on the website, but I --
12 I don't recall looking at it.

13 Q And the website also provided access to
14 articles and videos that provided financial planning
15 information. Did you ever access any of that
16 information?

17 A No.

18 MR. BLOCK: Pardon me -- I should have
19 said this before -- can I have more stickers?

20 THE OFFICER: Yes. What exhibit did we
21 stop on?

22 MR. BLOCK: 8. Yeah.

23 THE OFFICER: Sorry.

24 MR. BLOCK: -- give this to you first.

25 BY MR. BLOCK:

1 Q And now introducing what is Exhibit Number
2 9, this is the Summary Plan Description you were just
3 talking about.

4 (Exhibit 9 was marked for
5 identification.)

6 So take a look at it and let me know if it
7 looks familiar to you.

8 A It looks somewhat familiar.

9 Q Do you recall if you've ever received this
10 before?

11 A No, I don't recall.

12 Q I'm guessing if you didn't recall receiving
13 it, you're not sure if you read it. But do you recall
14 reading parts of this?

15 A I don't recall.

16 Q So let's look at the Bates numbers again,
17 and let's go to 68. So at the bottom of it, it says
18 "Safe harbor matching contributions"?

19 A Yes.

20 Q It says "Your employer elected to make
21 matching contributions to all eligible participants in
22 the amount equal to 100 percent of the first 3 percent
23 of your eligible compensation, 50 percent of the next
24 3 percent of your eligible compensation." Can you
25 explain to me just at a high, basic level what that's

1 saying?

2 A That the company was going to match whatever
3 you put in.

4 Q And did you consider this to be a generous
5 match?

6 A It seems to be.

7 Q So you were happy with it?

8 A Yeah.

9 Q Do you know how it compares to any of your
10 other employers?

11 A No.

12 Q Okay. On the next page, page 7 or Quanta
13 70, there's a section called Investments, and under A,
14 there's a lengthy paragraph that starts with "The
15 Employee Retirement Income Security Act of 1974,
16 ERISA, imposes certain duties," and it goes on for a
17 little bit. Do you see that?

18 A Mm-hmm.

19 Q Can you read that first couple of sentences
20 until you get to the point that says "Resulting from
21 your investment instructions"?

22 A Where did you want me to read to? Where it
23 said "responsible"?

24 Q Until it says "your investment
25 instructions." There's sort of a little gap there,

1 and then it says, "To assist you in making informed,"
2 but you don't need to read that part.

3 A Right.

4 Q Okay. Could you, to the best of your
5 ability, summarize what you just read? What do you
6 think it means?

7 A So it's basically that there's, you know,
8 there was a -- a group there to manage the plan to
9 recommend things to you or that you can make your own
10 choices. But, you know, you're -- you're responsible
11 for those own choices.

12 Q I'm now going to introduce Exhibit 10.

13 (Exhibit 10 was marked for
14 identification.)

15 Take a peek at it and let me know if you
16 recognize the documents.

17 A I don't recognize these particular
18 documents, but it's everything we've been discussing
19 today.

20 Q So this is a Participant Fee Disclosure. Do
21 you recall ever receiving a document, either this
22 document or a document like this?

23 A No.

24 Q If you did receive a document like this,
25 would you have looked at it?

1 A I probably would have glanced at it.

2 Q Let's glance at page 10. Well, that's the
3 PDF number. It says B7 and B8. I think it's Quanta
4 0565, but my three-hole puncher is right through the
5 page number. Yeah, 565. You see a chart? And at the
6 top of the chart is American Beacon Small Cap Fund
7 Class Institutional? Let me know if you see that.

8 A On this one?

9 Q Yeah, on the left-hand side.

10 A Oh, got you.

11 Q So do you see where it says American Beacon
12 Small Cap --

13 A Mm-hmm.

14 Q And we've talked today, right, that's one of
15 the funds you're invested in?

16 A Right.

17 Q Or at least at some point in time. And this
18 shows the one-year performance, five-year performance,
19 and ten-year performance. First, the benchmark. Do
20 you see that information?

21 A Mm-hmm.

22 Q Sorry. Could you give a verbal yes?

23 THE OFFICER: -- thank you.

24 THE WITNESS: Oh, yes. I'm sorry.

25 BY MR. BLOCK:

1 Q How did the fund do compared to the
2 benchmark?

3 A Where's the benchmark?

4 Q Good question. So below --

5 A Oh.

6 Q -- it says "Russell 2000 Value" in italics.

7 A Mm-hmm.

8 Q That would be the benchmark. And the
9 numbers aligning with that are the benchmark
10 performance numbers.

11 A It looks like it performed a little better
12 than expected.

13 Q And does that surprise you based on what
14 we've talked about today?

15 A It -- it's not something I've really thought
16 about.

17 Q You said it performed a little better. What
18 would it take for you to say it performed a lot
19 better?

20 A I don't know. I'm not -- I'm not familiar
21 with -- with things like this. So I don't know what
22 makes it a little better and a lot better. You know,
23 is it more than 1 percent? Is it more than 5 percent?
24 I -- I don't know.

25 Q And then the column sort of breaks and

1 there's another chart.

2 A Mm-hmm.

3 Q And it says "Annual gross expense ratio."
4 So information on the plan investments' fees was
5 available to you; correct?

6 A I'm sure it was.

7 Q And then if you skip down a little bit,
8 there's the DFA International Small Cap Portfolio
9 Institutional Class Fund. Do you see that?

10 A Yes.

11 Q So similar to the American Beacon Fund,
12 information about the performance of the DFA fund over
13 a variety of reporting periods as compared to the
14 benchmark was available to you; right?

15 A I'm sure it was.

16 Q Do you still have in that pile of your
17 account statement? It's the biggest one with the big
18 paper clip. It was previously marked as Exhibit
19 Number 5.

20 A Yes.

21 Q Okay. Do you remember how you received
22 those statements? Was it mail, email, something else?

23 A Didn't we already go over this?

24 Q Well, I think we went over some of the
25 numbers. Maybe I asked this already, but I don't know

1 if I asked, like, that basic question. So --

2 A Well, my response was it was probably a
3 combination of both.

4 Q Okay. And we were asking about plan
5 disclosures generally. But specifically for account
6 statements, can you tell me if you recall reviewing
7 them?

8 A Plan disclosures?

9 Q So I'm saying for these kind of account
10 statements. When you received something like this,
11 did you, you know, review the document?

12 A I looked at it and checked the balance,
13 checked to see if it was going up or down.

14 Q That was my question. Okay. So let's look
15 at some pages for a different purpose than before. So
16 let's go to 2174. This is your statement as of the
17 fourth quarter of 2019. Do you see that? In the
18 upper right is where the date is.

19 A Mm-hmm.

20 Q Is that a yes?

21 A Yes. Yes.

22 Q Okay. So when you say if your account was
23 going up, so you would look at where it says beginning
24 balance and ending balance? That's the information
25 you'd --

1 A That's correct.

2 Q -- primarily focus on? Okay. And if you
3 look a little bit below, it says "Your personal rate
4 of return." And it says "this period" and "year to
5 date." Do you see that?

6 A Yes.

7 Q And your year to date rate of return at this
8 point was 21.1 percent. Do you see that?

9 A Yes.

10 Q Were you happy with that rate of return?

11 A I didn't have any feelings one way or
12 another toward it.

13 Q So sitting here today, there's no sort of
14 rate of return number that you can identify as, like,
15 "Well, it's over X percent, I'd be happy with it"?

16 A No.

17 Q Okay. And just to clarify something, did
18 Quanta choose the specific investments you're invested
19 in?

20 A Yes.

21 Q So is it your opinion that -- well, let's
22 look at what you're invested in at the time. Okay?
23 Let's see. So you were invested in the, for instance,
24 if you look at the next page, the Fidelity 500 Index.
25 And below that, it says Fidelity Total Bond. Do you

1 see that?

2 A Mm-hmm.

3 Q So just to make sure I understand your
4 testimony, is it your belief --

5 A Yes. I'm sorry.

6 Q Is it your belief that Quanta chose for you
7 to be invested in those funds? And I'm trying to
8 distinguish it from Quanta choosing what funds to
9 offer in the plan. So did Quanta choose what specific
10 funds you were invested in?

11 (Off-the-record discussion.)

12 THE WITNESS: My investments were based
13 on the recommendations from Fidelity.

14 BY MR. BLOCK:

15 Q From Fidelity. Okay. Let's go to 2211,
16 which is, I think, towards the back. Okay. So if we
17 look, this is December 2020, fourth quarter of 2020,
18 and your total balance at the end of this is \$0. Do
19 you see that, where it says "Total balance," \$0? It's
20 on the top.

21 A Mm-hmm. Did you say -- yes. I'm sorry.
22 But did you say 2020 or 2022?

23 Q Oh, sorry. You're right. Thank you. I was
24 looking at the wrong thing. Well, actually, that's a
25 good question because it says "as of 2022" --

1 A Right.

2 Q -- but I'm pretty sure.

3 A Oh, that -- that would be right because the
4 statement period is 10/1/2020 to 12/31/2020. But
5 "your elections as of 10/3/2022." Okay.

6 Q I don't know why it says "2022," to be
7 candid with you, but because you left Quanta -- all
8 right. Now I'm going by memory, 2020 or 2019?

9 A 2019.

10 Q 2019. Okay. All right. So you were no
11 longer an employee at Quanta as of 2020?

12 A Correct.

13 Q Okay. So I just tried to pick this one
14 because I think it summarizes your sort of history of
15 your account at Quanta before you rolled out of it.

16 A Mm-hmm. Yes.

17 Q So you contributed a little over \$17,000,
18 and Quanta contributed about \$13,000; is that right?

19 A That's correct.

20 Q Okay. And as we said before, that's a
21 pretty generous contribution, almost half of what you
22 put in yourself --

23 A That's correct.

24 Q Okay. And so that adds up -- and I'm just
25 going to try to help tie these numbers together. So

1 if you look at your account activity, it's in the
2 second -- there's two different things. In your
3 account activity, the second one says total
4 \$35,475.73. Do you see where it says a little over
5 \$35,000?

6 A Yes.

7 Q Okay. And we'll look at a document too, but
8 do you remember that you ultimately withdrew around
9 that amount of money out of the plan and put it into a
10 IRA?

11 A That sounds about right, but I don't recall
12 the actual numbers.

13 Q And more importantly is why did you -- well,
14 is it right that you testified earlier you withdrew
15 your money so you could have it in one place, or was
16 there some other reason?

17 A No, I just wanted it in one place.

18 Q Do you recall how, for lack of a better
19 term, the money ended up in this Fidelity IRA? You
20 know, it could have gone to other places. How did it
21 end up there?

22 A I don't recall.

23 Q Is \$35,000, or was it at the time, a
24 meaningful amount of money to you?

25 A I think \$35,000 would be a meaningful amount

1 of money to anyone.

2 Q I agree. I just didn't want to -- yeah, I
3 wanted to establish that it was, you know, a serious
4 amount of money, yeah, without asking a leading
5 question. So, yeah, I agree.

6 So talk to me about what you recall, if
7 anything, about how that money -- so that money went
8 over to a Fidelity IRA. And do you remember anything
9 about how it got allocated? You know, like what --
10 let's start there. Do you remember anything about how
11 it got allocated?

12 A I don't recall.

13 Q Do you recall if you made the decision about
14 what to invest it in?

15 A I don't recall, but I seriously doubt it.

16 Q Do you remember if you were presented with
17 options about what you could invest it in?

18 A I may have been, but I -- I likely, most
19 likely, went with what they recommended.

20 Q And "they" being Fidelity?

21 A Yes.

22 Q And do you trust Fidelity's recommendations?

23 A I did at one time.

24 Q And does that imply that you no longer trust
25 Fidelity's recommendations?

1 A I'm not invested with them right now.

2 Q So that may have answered the question, but
3 I'll ask it again. Is that that you no longer trust
4 Fidelity?

5 A As I said, I'm not invested. My money -- I
6 might have money sitting there, but I'm not invested.
7 So they can't do anything with my money right now.

8 Q I'm just trying to understand that answer.

9 A I don't have a reason to trust or not trust
10 them.

11 Q Okay. Because you're saying you don't have
12 any money with them.

13 A It's very little, and it's not being
14 invested in anything.

15 Q So we talked about how the \$35,000 was a
16 meaningful amount of money. Do you recall, after it
17 got allocated, did you review what it was put into?

18 A I don't recall.

19 Q Sitting here today, do you think you would
20 have seen where your \$35,000 ended up?

21 A I don't recall, but I would guess that I
22 went with whatever was recommended.

23 Q Right. I understand you don't recall what
24 was recommended now. But based on your practices, it
25 being a lot of money, you probably looked at where it

1 ended up; right?

2 A I don't recall.

3 Q So sitting here today, you think it's
4 possible that you rolled \$35,000 into an account but
5 don't know what it was invested in and didn't know?

6 A I'm sure I didn't know the details.

7 Q But at a general level, you probably would
8 have looked at, "Oh, it was invested in fund X"?

9 A It would have been something I might have
10 glanced at, but not anything I looked at with any real
11 depth.

12 Q Would you have done anything to assess
13 whether it was invested in, you know, something you
14 were comfortable in?

15 A No.

16 Q So, you know, just to use an example, so if
17 they put it in -- I don't know. I'm not trying to,
18 again, be, like, cute. I'm just trying to get at your
19 thinking.

20 A So is there some company you really dislike?

21 Q Not really.

22 A Okay. I'm trying to think of something
23 like -- I don't know. If they put it in some super
24 obscure fund from China, would you have done any, you
25 know, vetting of, like, "Well, that seems odd"?

1 Q If -- if I was made aware that it was
2 invested in something in China, then yes, I would have
3 looked further into that.

4 A Okay.

5 Q All right. Let's look at one more exhibit,
6 which I'll mark as Exhibit 11.

7 (Exhibit 11 was marked for
8 identification.)

9 And I'll represent to you this is a document
10 Plaintiffs produced in this case. Take a look at it
11 and let me know if you recognize it.

12 A It looks familiar.

13 Q Okay. Is this an account summary of the
14 Fidelity IRA we were just discussing?

15 A I suppose so.

16 Q And if you look on the page that has 078 on
17 it and you look at the last column, you see October
18 2020?

19 A Yes.

20 Q And you see there's a 35,000-plus dollar
21 number?

22 A Yes.

23 Q And that's in the deposits. So does this
24 show we're just talking about, that you rolled
25 \$35,000-plus into a fidelity IRA in October 2020?

1 A That's what it looks like.

2 Q And the chart on the other -- I shouldn't
3 say "chart." The graph on the other page shows, you
4 know, that account going down at various points. And
5 if you look at the Withdrawals column on the second
6 page, you'll see that various points, there were
7 several withdrawals made: 2,000, 3,000, 10,000,
8 15,000. Do you see those withdrawals?

9 A Yes.

10 Q Where did that money go? Like, where did
11 you put that money?

12 A I don't recall.

13 Q Is that money invested somewhere else?

14 A I don't recall.

15 Q Do you recall if, like, you just took that
16 money out and used it to pay bills or whatever outside
17 of reinvesting it?

18 A I don't recall.

19 Q All right. Well, since --

20 A That doesn't sound like something I would
21 typically do, though.

22 Q Okay. Yeah. And I don't know the answer to
23 these questions. Like, sitting here today, are you
24 invested outside of 401(k) plans? Are you invested in
25 any other IRAs?

1 A Other than this one?

2 Q Right. Because according to this, you
3 withdrew about \$33,000. So I'm wondering if that went
4 to like a Vanguard brokerage or somewhere else. You
5 know, you know, it's a significant amount of money.
6 So I'm curious if it was --

7 A Yeah, it may have. But I don't recall the
8 specifics.

9 Q And we'll keep going through this. And if
10 you remember, that would be great. And if not, you
11 produced a good number of documents. But we'd be
12 interested -- you know, one of the things we requested
13 was your IRAs, and you produced this Fidelity one.

14 And if the \$33,000 was invested in another
15 IRA, we'd ask that you produce that as being
16 responsive to our request for production.

17 MR. BLOCK: So I know there's an
18 outstanding request with the other plaintiffs. We can
19 talked about it via email, but --

20 MR. ROBERTS: Mm-hmm.

21 MR. BLOCK: -- just putting it in the
22 record.

23 BY MR. BLOCK:

24 Q And again, like, just to kind of make it
25 easier when we end up searching for documents, you

1 don't have any recollection of where this -- if you
2 have currently 30,000-plus dollars in some investment
3 account outside of Fidelity?

4 A I do. But I don't know if it's this
5 \$33,000.

6 Q Okay. So what is that account?

7 A My Principal account.

8 Q And is that with your current employer's
9 401(k), or is that --

10 A That's correct.

11 Q Okay. So that's your current Worley 401(k)
12 plan account?

13 A Yes.

14 Q All right. So you don't know for sure, but
15 it's possible that you rolled money out of this and
16 into the Worley 401(k) plan?

17 A It's possible.

18 Q All right. If that's the answer, then I
19 think we might have that information, and then you
20 won't need to search for documents. So that's why I
21 was asking. Okay. Let me introduce another document
22 to you. So this would be Exhibit 12, and please take
23 a look at it and let me know if you recognize what
24 this is.

25 (Exhibit 12 was marked for

1 identification.)

2 So do you recognize what this document is?

3 A It's an investment report.

4 Q So this is an investment report from June
5 2019 for your Fidelity IRA; is that right?

6 A That's correct.

7 Q Well, was this a document that you had
8 accessed online? Did you get something mailed to you
9 with these kind of statements, if you recall?

10 A Probably a combination of both.

11 Q And did you review these Fidelity IRA
12 documents?

13 A Most likely.

14 Q And on page 10, or it's Bates number 10 --
15 so it's page 3 of 12, but it's also Plaintiff McKnight
16 00010. It says, "Top holdings"?

17 A Yes.

18 Q All right. Did you see that it says 81
19 percent of your holdings were in the Fidelity Freedom
20 2030 Fund as of June 2019?

21 A Yes.

22 Q How did you decide to invest in the 2030
23 Fidelity Freedom Fund?

24 A Because that's what was recommended.

25 Q Do you have any understanding of why it was

1 recommended?

2 A No.

3 Q When it was recommended, did you have any
4 issue with the recommendation?

5 A I did not.

6 Q You did not have any issue with the
7 recommendation?

8 A I did not.

9 Q When you saw that your IRA was 81 percent
10 invested in the Fidelity Freedom Fund, did you think
11 that was a reasonable investment option?

12 A I didn't think one way or another about it.

13 Q Were you happy with its performance?

14 A I don't recall.

15 Q Were you happy with the level of risk that
16 it had?

17 A I don't recall.

18 Q So put both those questions differently, do
19 you recall ever being unhappy with the performance of
20 the Freedom Funds?

21 A Not that I remember.

22 Q And do you recall ever being unhappy with
23 the risk profile of the Freedom Funds?

24 A Not that I recall.

25 Q And if you look on the page above, you are

1 also -- oh, no. Sorry, sorry, sorry. Just the line
2 below, I apologize. You were 19 percent invested in
3 Quanta Services Com, which I'll just tell you is the
4 Quanta Services Company stock. Do you recall how your
5 money got allocated into that investment?

6 A I don't recall.

7 Q Do you have any -- well, let's ask it this
8 way first. Do you recall any feeling at the time, you
9 know, positively or negatively about being invested in
10 a company stock, a single company stock?

11 A No feeling positive or negative.

12 Q Sitting here today, do you have any view
13 about whether it's a good idea to have your retirement
14 dollars invested in a single company stock?

15 A I would think it would depend on, you know,
16 what percentage of your value is invested in that one
17 stock.

18 Q When you brought this lawsuit, were you
19 aware that you had personally invested in the Fidelity
20 Freedom Funds?

21 A Yes.

22 Q And did your personal investment in those
23 funds give you any concern that actually these funds
24 may be reasonable investment options? Let me try
25 asking that question.

1 Did your personal investment in the Fidelity
2 Freedom Funds give you any hesitation about bringing a
3 lawsuit challenging the Fidelity Freedom Funds?

4 A Can you ask that again?

5 Q Sure. So I'm trying to -- I could see a
6 variety of answers to a question like this; right?
7 But, like, if I was going to go out and sue, you know,
8 some retirement plan for some fund, and I was in that
9 fund myself outside of the retirement plan, you know,
10 I could see like, "Oh, well, that gives me some pause.
11 Like this fund doesn't seem that bad. I'm investing
12 in it myself."

13 Or maybe like, I don't know, you have some
14 other thought. So I'm wondering if the fact that you
15 happen to be invested in this fund yourself gave you
16 any hesitation about bringing a lawsuit challenging
17 this fund.

18 MR. ROBERTS: Object to form.

19 A Not really.

20 Q And why is that?

21 A Because at the time that I was invested in
22 this fund, I wasn't aware.

23 Q And what are you aware of now that makes you
24 think differently about the fund?

25 A I don't -- I don't know that it's this

1 particular fund. I -- I think it's, you know,
2 multiple funds and the way they were invested, which
3 could have been done differently.

4 Q Sitting here now, if someone at Worley, you
5 said Principal, right, is the --

6 A Yes.

7 Q So if someone at Principal recommended that
8 you invest your Worley 401(k) assets in the Fidelity
9 Freedom Funds, would you do so?

10 A It's highly unlikely. And if that
11 particular Freedom Fund came highly recommended, I
12 would probably seek outside help on making that
13 decision.

14 Q And what kind of outside help would that be?

15 A I would -- I would need to go talk with
16 somebody.

17 Q Like an investment advisor or some other
18 category of person?

19 A Something similar to that.

20 Q Are you invested -- oh, sorry. Did you have
21 more to say?

22 A No.

23 Q Are you invested in any cryptocurrency?

24 A God, no.

25 Q Same -- okay. I'm going to go out of order

1 for a second because I have this printed twice, but
2 okay. So I'm going to introduce to you what is
3 Exhibit 13, and these are your interrogatory responses
4 that you produced to us.

5 (Exhibit 13 was marked for
6 identification.)

7 And I think you mentioned earlier today that
8 you looked at the documents to prepare for this
9 deposition. Let me know if that all checks out and is
10 correct.

11 A Is there a question on the table?

12 Q Yeah, just do you recognize this document?

13 A Yes.

14 Q Okay. Did you -- well, let's look at the
15 very end or towards the very end, page 20. Do you see
16 your digital signature?

17 A Yes.

18 Q Did you review this document before signing
19 it?

20 A I did.

21 Q And you understand that, as you see above,
22 that you declare that what's in this document is true
23 and correct under penalty of perjury?

24 A Yes.

25 Q So let's go to page 7 through 8. Skip some

1 of the legalese at the beginning and go to
2 interrogatory number 2. And it says that, sort of
3 skipping to the answer, that you have not spoken to
4 anyone other than the attorneys about the plan.
5 Because it says, "Plaintiff has no information
6 responsive to this interrogatory."

7 This document is from -- find the exact
8 date -- February 18, 2024. So we talked way at the
9 beginning today that you had a conversation with
10 Brandy Wilbanks. Roughly when was that conversation?

11 A Night before last.

12 Q All right. So recently?

13 A Yes.

14 Q Okay. So just to clarify, outside of that
15 conversation, have you -- even if it's not very
16 substantive -- had any conversations with anyone
17 outside of your attorneys about this lawsuit?

18 A Not that I recall.

19 Q Do you think it's possible you did but
20 you're just not remembering or you're fairly confident
21 you haven't?

22 A It's highly unlikely.

23 Q All right. Ao interrogatory number 3 asks,
24 "Are there any communications that influenced your
25 decision to participate in the plan?" And your

1 response was that you have no information responsive
2 to this interrogatory. So sitting here today, can you
3 recall any communications that influenced your
4 decision to participate in the plan?

5 A Ask that again?

6 Q Do you recall if there were any
7 communications that influenced your decision to
8 participate in the plan? I don't know, do you receive
9 any? In the packets, the Quanta 401(k) plan.

10 A Oh, like any brochures or, you know --

11 Q Exactly.

12 A -- "here, go with this, and this is why"?
13 No.

14 Q Interrogatory number 6 asks, and it's on
15 page 10, if you "contend that any defendants" --
16 sorry -- "that defendants or any of their officers or
17 agents have made any admissions or declaration against
18 interest concerning the subject matter of this action,
19 identify each person that allegedly made that such
20 statement and describe in detail each alleged
21 admission of declaration."

22 So this document was from, you know, several
23 months ago at this point. So just to confirm, sitting
24 here today, can you identify any admission or
25 declaration against interest concerning the subject

1 matter of your lawsuit made by any representative of
2 Quanta?

3 A No.

4 Q Okay. So interrogatory number 10 asks
5 whether you've invested in a target date fund outside
6 of the plan, whether -- oh, sorry. I'll just leave
7 that; it's the only part I care about. Asks whether
8 you've invested in a target date fund outside of the
9 plan.

10 And your answer says, which is on page 15,
11 is that you invested in the Vanguard Target Retirement
12 2030 Trust when you were in KBR and the Vanguard
13 Target 2025 Trust in Worley Group's 401(k) plan. But
14 that's not right; isn't that true? We just went over
15 how you also invested in the Fidelity Freedom Fund in
16 your Fidelity IRA; right?

17 A I'm not sure. What are -- what are you
18 saying is not true?

19 Q Well, I'm saying that the Fidelity Freedom
20 Fund should have been listed as a target date fund
21 that you invested in outside of the plan; right?

22 A If you say so. But like I said, there's --
23 there's not much money in that -- what's -- what's
24 there in that little IRA account. So I probably just
25 didn't even consider it.

1 Q All right. So that gets to the question I
2 wanted to ask, was: Why didn't you identify the
3 Fidelity Freedom 2030 Fund in this interrogatory
4 response?

5 A I just answered.

6 Q Because you thought that the, whatever it
7 was, I'm forgetting offhand, \$17,000, \$18,000 wasn't,
8 you know, a lot of money?

9 MR. ROBERTS: Object to form.

10 A Maybe I just understood the question to be,
11 have you invested in any other? And I listed those
12 others but not -- I failed to mention that.

13 Q Sitting here today, can you think of any
14 other investments, specifically target date funds,
15 that you failed to include on this list?

16 A Not that I'm aware of.

17 Q Okay. Let's talk a little bit about your
18 RFP responses. We'll see if we can get through these
19 questions without the actual document. If not, I'll
20 take a brief break to print them out. But do you
21 recall that you were requested to try to locate
22 certain documents?

23 A Yes.

24 Q What did you do to search for documents?

25 A Searched files, searched online.

1 Q Did you search for hard copies? Like,
2 that's what you meant by "files"?

3 A Yes.

4 Q Yeah. Okay. You say in the RFP response
5 that you no longer have access to your account, your
6 plan account with Quanta, or any Quanta plan-related
7 documents that you might have received during the
8 class period. Is that an accurate statement?

9 A I -- I believe I still have access to
10 that -- that one little IRA account.

11 Q All right. And just for the record, that is
12 with Fidelity? So that's not with Quanta?

13 A Right. That's correct.

14 Q So do you still have access to, like, the
15 Quanta --

16 A No.

17 Q Yeah. You don't have any money in it
18 anymore.

19 A Right.

20 Q Yeah. When you received communications
21 related to the plan -- so it was like your account
22 statements or fee disclosures or anything like that --
23 in a hard copy, would you store those hard copies
24 somewhere? Or do you read them and toss them?

25 A I would just put them in the filing cabinet

1 in case they were needed at another time.

2 Q So do you have a filing cabinet at home that
3 maybe among other things has various documents you've
4 received from 401(k) plans?

5 A Current 401(k) -- 401(k) plans.

6 Q So you're saying that the only documents
7 that would be in this filing drawer today are
8 documents from your Worley plan?

9 A Most likely. Most everything is electronic
10 now.

11 Q Okay. So you said "most likely," but you're
12 not certain whether you have hard copies from previous
13 plans in this filing drawer?

14 A Not 100 percent. I would have to look.

15 Q All right. So we talked earlier today about
16 policies. I don't want to go into that one. But did
17 you also file a civil lawsuit against Farmers
18 Insurance related to a car accident?

19 A Oh, that was that wreck -- that --

20 Q In 2009, if I didn't say the year.

21 A I think that was that wreck my daughter got
22 in.

23 Q So you might have filed a lawsuit on behalf
24 of your daughter? I don't have actually a lot of
25 details on that.

1 A Possibly. Yeah, I don't -- I mean, I kind
2 of vaguely remember that now that you mentioned it.
3 But I believe it had something to do with the car
4 wreck she was in.

5 Q Do you remember the outcome?

6 A Not really.

7 MR. BLOCK: Can we take like a five-
8 minute break? I need to use the restroom and then I
9 don't have a --

10 THE VIDEOGRAPHER: Off the record,
11 13:37.

12 (Off the record.)

13 THE VIDEOGRAPHER: Back on the record,
14 13:42. Please proceed.

15 BY MR. BLOCK:

16 Q Ms. McKnight, what do you understand your
17 duties to be as a class representative?

18 A Well, that would -- and I don't mean this
19 literally when I say it, but to sort of be the face,
20 you know, to represent -- to -- the face for the other
21 claimants that would represent them in court.

22 Q Anything else?

23 A No.

24 Q Can you describe the class you seek to
25 represent?

1 A The class?

2 Q Yes. Can you describe the class that you
3 seek to represent?

4 A The other employees of Quanta that was part
5 of this plan.

6 Q Do you understand if you seek to represent
7 participants who were not invested in any of the three
8 challenged funds?

9 A Are you asking me if I'm representing those
10 people that weren't involved?

11 Q Do you have an understanding of if the class
12 does or does not include plan participants who are not
13 invested in any of the three challenged funds?

14 A I don't have an understanding of that.

15 Q Do you think it does or doesn't? Do you
16 have an expectation?

17 A No.

18 Q Do you understand the court must find you to
19 be an adequate representative of the class?

20 A I do.

21 Q And what do you think the court -- strike
22 that.

23 What time period does this class cover?

24 A The exact dates?

25 Q Even the rough dates would be --

1 A Let's see. Somewhere from 2017 to maybe --
2 I -- I have no idea.

3 Q Do you have an understanding of how long a
4 trial in this case might last, if this case goes to
5 trial?

6 A I don't have a clue.

7 Q If I told you that it might be ten days,
8 would you be willing to attend the entire ten days?

9 A Absolutely.

10 Q Okay. So ask it differently. Whatever the
11 length of the trial is, you'd be willing to attend the
12 entire trial?

13 A Of course.

14 Q Have you reviewed every filing in this case?

15 A Not every filing.

16 Q Why not?

17 A That's what the attorneys are for.

18 Q Without getting into the substance in any
19 way, have you ever disagreed with any of the
20 recommendations by your attorney?

21 A No.

22 Q And do you think that means you're not doing
23 an adequate job vetting the quality and decisions of
24 your attorney, if you're agreeing with everything
25 they're saying?

1 A That's not what I think at all.

2 Q What is it that you think? Like, do you
3 think it's reasonable to rely on your attorneys
4 because they're the experts?

5 MR. ROBERTS: Object to form.

6 A I don't rely solely on my -- on the
7 attorneys. I do have a mind of my own. If I felt
8 like they were doing something out of line or
9 inappropriate, I would definitely be having a
10 conversation with them about that.

11 Q You'd ask questions?

12 A Of course.

13 Q But whether or not you've ever disagreed
14 with them doesn't have any bearing or doesn't tell you
15 anything about if you're doing a good job or not of
16 vetting your attorneys; right?

17 MR. ROBERTS: Object to form.

18 A Are you trying to say that I selected the
19 wrong attorneys?

20 Q Not at all. I'm trying to ask if you agree
21 that, you know, if you're relying on your experts,
22 your attorneys in this case, and you, you know,
23 haven't had any instances where you disagree with
24 them, that doesn't mean you're doing a bad job. That
25 could just mean your experts are doing a fine job?

1 A It could.

2 Q Okay. How did you choose your attorneys?

3 A They reached out to me.

4 Q Was it an advertisement?

5 A No, I don't think so. I think it was an
6 email.

7 Q Do you have any understanding of how they
8 got your email address?

9 A I'm sure I asked in the beginning, but I
10 don't recall now.

11 Q Do you think it's possible you're saying you
12 initiated the outreach? Is it a recollection that you
13 initiated the outreach or they initiated the outreach?

14 A I -- it's my recollection that they
15 initiated the outreach because that's when I became
16 aware of the situation.

17 Q And if you still have your interrogatory
18 responses in front of you, we'll see that in number
19 13, which spills into the last page, that you first
20 communicated with counsel on December 9, 2021, and you
21 retained counsel on December 22, 2021. Do you see
22 that?

23 A Yes. Wait. Yes.

24 Q So that's roughly a two-week gap between
25 when you first communicated and then when you retained

1 counsel, 13 days to be precise?

2 A Sure.

3 Q Do you recall what you were thinking about
4 during that time period? Why did it take 13 days?
5 It's, you know, sort of another way to ask the same
6 question.

7 A Given that it was December, I was probably
8 thinking about Christmas and shopping and decorating
9 my house.

10 Q When it came time to return your, you know,
11 effort and energy back to the decision about whether
12 to hire them, do you recall, you know, your thought
13 process?

14 A I thought about whether or not I wanted to
15 get involved. That's about all I remember.

16 Q Did you consult with any other attorneys --

17 A No.

18 Q Okay. So that answered one question. But a
19 different question too: Did you consult with any
20 other attorneys to -- or anyone, I should -- strike --

21 Did you consult with anyone to learn more
22 information about the Miller Shah and Capozzi Adler
23 firms?

24 A No.

25 Q So you didn't conduct an RFP? You know, you

1 didn't reach out to other lawyers and say, "How you go
2 about handling this case?"

3 A No.

4 Q And similarly, you didn't do some sort of
5 request for information from other lawyers?

6 A No, not with attorneys.

7 Q Did you do any, like, Googling?

8 A Most likely.

9 Q And why did you feel that it was not
10 necessary to contact other attorneys to see, you know,
11 if they'd be interested in the lawsuit?

12 A I didn't think about it.

13 Q Have you heard about this lawsuit prior to
14 joining it as a named plaintiff?

15 A No.

16 Q I think we've covered this, but I'll just
17 quickly go over it again. Before you heard about this
18 lawsuit, did you believe that you had been harmed by
19 investing in the Quanta 401(k) plan?

20 A No, because I didn't learn of what had
21 happened until I talked to the attorneys.

22 Q Yeah. So saying it differently, before you
23 talked to your attorneys, you didn't have any concerns
24 about the Quanta 401(k) plan; correct?

25 A Correct.

1 Q Did you negotiate what fees your lawyers
2 could collect in a settlement? Well, let me even take
3 a step back. Do you understand that one possible
4 outcome of this case is that it could settle?

5 A Yes.

6 Q And do you have an understanding of who
7 receives money in a settlement?

8 A I do.

9 Q All right. And what is that understanding?

10 A The attorneys will receive a portion, and
11 the plaintiff -- everybody else will receive a portion
12 as well.

13 Q And do you have an understanding about
14 whether you receive additional compensation as a named
15 plaintiff?

16 A It's my understanding that, A, that's the
17 court's decision and, B, it does happen at -- at
18 times.

19 Q And when it does happen, do you have an
20 understanding of what's a typical amount of money that
21 a named plaintiff receives in a settlement?

22 A I have no idea.

23 Q So you wouldn't know if it was a hundred
24 dollars, a thousand, ten thousand?

25 A Not a clue.

1 Q Do you have a sense of what percentage your
2 lawyers would receive from a settlement?

3 A We discussed it early on, but I don't recall
4 what it was at this point.

5 Q And you don't have to get in any substance.
6 Probably a yes-or-no question: Did you negotiate what
7 fees your lawyers could collect in a settlement?

8 A No.

9 Q Could you have?

10 A You always have the opportunity to -- to
11 negotiate.

12 Q If you didn't talk to any other lawyers to
13 learn how they'd handled the case or what they charge,
14 how do you know that you're getting, you know, the
15 best legal services for the dollar?

16 A You don't.

17 Q In your view, is it important to always
18 select the lawyer the lowest-cost fees?

19 A In my view? Do I think that it's always
20 best to select the lowest cost -- lowest attorney
21 fees?

22 Q Yeah. That was the question.

23 A Absolutely not.

24 Q And why not?

25 A I wouldn't do it for a doctor, either.

1 Q I agree the question is pretty obvious, but
2 if you just put a little more meat on the bones and
3 tell me why you don't always want to go with the
4 cheapest service provider.

5 A Because cheaper is not always better. Quite
6 often, it's not always better.

7 Q Would you object if your attorneys sought 33
8 percent of a settlement?

9 A No, that seems about average.

10 Q And what's your basis for saying it's about
11 average?

12 A Just hearing people talk, casual
13 conversations. Not in regards to this case, so you
14 don't have to ask that again.

15 Q So you mentioned way at the beginning, when
16 we're talking about preparing for this deposition,
17 that you've spoken with your lawyers a couple of times
18 over the course of the lawsuit. Do you have a
19 ballpark estimate of how many times you've spoken to
20 your lawyers over the course of the lawsuit?

21 A Not really.

22 Q More than ten?

23 A Possibly. Every few months, you know, they
24 would reach out and we would talk, or they would send
25 an email just giving me an update and that sort of

1 thing.

2 Q And roughly when you were talking -- not the
3 emails, but the conversations -- roughly how long were
4 those in length?

5 A I don't recall.

6 Q An hour? Or five minutes?

7 A I don't recall.

8 Q You don't recall which end of the spectrum
9 it was? Closer to an hour? Closer to five minutes?

10 A I don't recall.

11 Q As a class representative, do you have a
12 responsibility to oversee your lawyers and how they're
13 handling the case?

14 A You do.

15 Q And what steps have you taken to oversee if
16 your lawyers are doing a sufficient job?

17 A Ensuring that I'm, you know, updated on a
18 regular basis, understanding what they're doing.

19 Q Have you conducted any formal evaluation
20 about how your lawyers are doing?

21 A No, I have not.

22 Q Do you think it's necessary to conduct a
23 formal evaluation to assess how they're doing?

24 A Not at this time.

25 Q And why not?

1 A I just don't think it's necessary at this
2 time.

3 Q Is it like what we were talking about
4 earlier when you were the owner of the business and
5 you had a part-time employer [sic] that your regular
6 interactions with them give you an adequate basis to
7 assess if they're doing a good job or not?

8 A I don't -- I don't think that's comparing
9 apples to apples.

10 Q Tell me why not.

11 A Tell you what?

12 Q Why is it not an apples to apples
13 comparison?

14 A Because it -- that was a little boutique. A
15 little, you know, a little boutique gift shop with one
16 employee. You know, we weren't representing a large
17 number of people when their funds had been mishandled.
18 So, yes, I would -- I don't look at it the same way.

19 Q So are you saying you think you need to do
20 more vetting for this than you did with your shop?

21 A I didn't say that at all.

22 Q Well, then I didn't understand the
23 implication of this. You know, you're saying it
24 involves more people, so what kind of difference does
25 that make to the vetting you need to do?

1 A I -- I -- at this time, I don't think I need
2 to do any vetting.

3 Q So is it your testimony that you've not done
4 any, you know, informal or formal assessments, but
5 mostly informal assessments of if you think that your
6 attorneys are doing an adequate job prosecuting this
7 lawsuit?

8 A I've done informal assessments, and I've
9 already explained how and what that means.

10 Q And you think that's sufficient, those
11 informal --

12 A At this time, I do.

13 Q At what time would it call for a formal
14 assessment?

15 A I can't answer that.

16 Q Is it your opinion that at some point it
17 will call for a formal assessment, or is it possible
18 informal assessments will be sufficient?

19 A I -- I really can't answer that. I will
20 just have to wait and see.

21 Q As a class representative with
22 responsibility for overseeing the developments of this
23 case, do you think you need to hire another lawyer to
24 determine if your lawyers are doing a good job?

25 A Not at this time.

1 Q Maybe this is the same question as before,
2 but why not?

3 A I -- I don't see a cause for it.

4 Q Based on your day-to-day assessment of how
5 the case is going, you're saying you don't think you
6 need, you know, a legal expert to assess how your
7 lawyers are doing?

8 A Not at this time.

9 Q And what would cause you to think that you
10 need to get an independent third party to assess?
11 Would something need to go way off track?

12 A I couldn't even venture to guess.

13 Q But if the time came and I felt the need for
14 it, then I may do so. As a class representative with
15 responsibility for overseeing the class, do you have
16 any criteria, formally or informally, to assess
17 whether your lawyers are doing a sufficient job?

18 A I believe I've already answered this
19 question multiple times.

20 Q I don't think I asked about criteria, so is
21 that a yes or a no?

22 A Ask the question again?

23 Q Yeah. As a class representative with
24 responsibility for overseeing your lawyers, do you
25 have any criteria in place to determine if your

1 lawyers are doing a good job?

2 A Nothing formal.

3 Q Do you expect to receive any compensation
4 for serving as a class representative separate and
5 apart from any money you might recover as a class
6 member?

7 A It's up to the courts.

8 Q Do you have any expectation, though?

9 A Not necessarily. But again, it's up to the
10 courts.

11 Q Yeah. I fully recognize it's up to the
12 courts, but do you expect that the courts will award
13 you compensation for serving as a class
14 representative?

15 A I don't have any expectations.

16 Q Would you be a class representative of this
17 case even if there was no additional compensation for
18 doing so?

19 A Yes.

20 Q Would you turn down any compensation awarded
21 to you if the court awards you compensation for being
22 a class representative?

23 A I doubt that, not if the court felt like I
24 was owed it.

25 Q If the court decides this case cannot

1 proceed as a class action, would you pursue this case
2 as an individual lawsuit?

3 A That's not something I've given any thought
4 to at this time.

5 Q Do you know anything about the process
6 Quanta uses to administer the plan?

7 A No, I don't.

8 Q Do you know anything about Quanta's process
9 to select the investments offered in the plan?

10 A No, I don't.

11 Q Do you know anything about their process to
12 monitor the investments after they've been selected?

13 A No, I don't.

14 Q As you sit here today, can you identify
15 anything about Quanta's process to select investments
16 that you believe was improper?

17 A No.

18 Q As you sit here today, can you identify
19 anything about Quanta's process to monitor investments
20 that you believe was improper?

21 A No.

22 Q One final exhibit. That's my exhibit, which
23 is perfect because there's one more number written.
24 I'm going to introduce you to a document that is going
25 to be introduced as Exhibit 14.

1 (Exhibit 14 was marked for
2 identification.)

3 It's a blog post that your attorneys wrote.
4 So I'll give you a chance to look at that. There you
5 go. So if you look at the last page, you can see the
6 legal team at Miller Shah LLP, and it lists some
7 attorney names. Does that help confirm that this is a
8 blog post that your attorney's firm wrote? Posted?

9 A I don't have a clue.

10 Q Do you have any reason to doubt that this is
11 a blog post that Miller Shah posted?

12 A Well, it did come off the internet, so you
13 know --

14 Q Yeah, I'm not trying to be tricky. Like, I
15 know you haven't seen this document before.

16 A Oh.

17 Q But I'm just, you know, asking you to make
18 sure you agree with me that it appears to be a blog
19 post that --

20 A It appears to be.

21 Q All right. And it says, "Please contact
22 Alec Berin" is one of the attorneys that's an attorney
23 on this case. I don't know if you've ever had a
24 chance to interact with him.

25 A I don't think I have.

1 Q All right. Okay. Well, if we look on the
2 second page, the -- one, two, three -- fourth
3 paragraph, the second to last sentence says,
4 "Specifically, plaintiffs assert Defendants were
5 imprudent in offering the Fidelity Freedom Target Date
6 Series, the Parnassus Core Equity Fund, the Dodge &
7 Cox Stock Fund, and the Lazard Emerging Markets Equity
8 Fund." Do you see that?

9 A Mm-hmm.

10 Q So it looks like among the funds, your
11 attorneys -- different case, but your attorneys, the
12 Miller Shah firm is challenging here includes the
13 Dodge & stock -- sorry -- the Dodge & Cox Stock Fund.
14 Do you see that?

15 A Mm-hmm. Yes. Sorry.

16 Q Okay. So let's go back. And I know you've
17 got a big stack of paper, so it's a little hard, but
18 to the Worley 2022 Form 5500, which will be one of the
19 first couple of documents from this case.

20 A Which -- which one is it? I don't even know
21 anymore.

22 Q Yeah, I don't have the exhibit numbers on
23 mine. I might --

24 MR. ROBERTS: I think it's Exhibit 4.

25 MR. BLOCK: Exhibit 4. Thank you,

1 John.

2 And if it's hard, I can just hand you
3 the one piece of paper I was going to ask you about
4 it, Because I want you to flip back to that --

5 MR. ROBERTS: It's on page 12.

6 MR. BLOCK: -- yeah, that chart, all
7 the funds in the plan.

8 BY MR. BLOCK:

9 Q And you see among the -- well, let's just
10 take a step back. So this is the 401(k) plan you're
11 currently invested in; right? The Worley plan?

12 A I believe so.

13 Q Okay. And one of the investments they offer
14 is the Dodge & Cox stock fund. Do you see that?

15 A I do.

16 Q So considering that your lawyers in this
17 case are challenging another plan for imprudently
18 offering the Dodge & Cox stock fund, and your current
19 plan offers the Dodge & Cox stock fund, are you going
20 to do anything to investigate whether Worley is
21 mismanaging its 401(k) plan?

22 A I'm not sure at this time.

23 Q All right. What makes you unsure? What
24 information would you need to become more sure?

25 Strike that. Those are two different questions. So

1 first question, what makes you unsure?

2 A I'm not sure. That's the reason I'm unsure.

3 Q So then the second question: What
4 information would you want to see that would help you
5 make a decision?

6 A I'm not sure.

7 Q So sitting here today, based on everything
8 we've discussed, do you have any concern about the
9 management of your current retirement plan?

10 A From what I've seen so far, nothing has
11 given me reason to be concerned. But I will likely
12 maybe at some point do a little research into the
13 Dodge & Cox funds.

14 Q And you see they also offer a DFA fund, and
15 that's one of the funds you're -- not that fund, but
16 that advisor or fund manager is one of the managers
17 you're challenging here; right?

18 A Yes.

19 Q So, you know, if you one day do this
20 research, what information would you look for to help
21 you assess whether something's gone awry here?

22 A I have no idea.

23 Q I guess to ask the closing question -- and I
24 ask this because I'm genuinely curious. Like, so you
25 said you had no concern about the Quanta 401(k) plan

1 until you talked to your attorneys. I'm pointing out
2 here that your same attorneys have identified at least
3 one fund in this plan as being an imprudent fund. So
4 what convinced you that something might be going wrong
5 with the Quanta plan?

6 A When I learned that the funds had been
7 mismanaged or the investments weren't handled
8 correctly.

9 Q Let's give an example of that. What's
10 something that would make you think that a fund was
11 mismanaged?

12 A By it being brought to your attention by
13 someone, some -- some form of media, some person, some
14 something.

15 Q Yeah, but I guess my question was a little
16 different. Like, what actions or lack of actions
17 would make you think that it was being mismanaged?
18 Like, is there something they're not doing that they
19 should be doing or --

20 A With Quanta?

21 Q Yeah.

22 A Well, I mean, you don't know what you don't
23 know.

24 Q Okay. Last question, then I think -- well,
25 what would make you want to find out? Like, I guess

1 I'm curious -- you didn't know what you didn't know
2 about Quanta. But you became interested enough to use
3 your time; right?

4 Clearly you're dedicating time to this to be
5 a named plaintiff. So what would motivate you to want
6 to dedicate a similar amount of time to finding out if
7 your current plan is being managed properly?

8 A Well, you know, I think you pointing out
9 about this blog and those two other funds, that might,
10 you know, concern me enough to start doing some
11 research and looking around. It's -- it's been
12 brought to my attention at this point.

13 MR. BLOCK: Well, I thank you for your
14 time today, and I have no further questions.

15 MR. ROBERTS: No questions here. Thank
16 you.

17 THE WITNESS: Thanks.

18 THE OFFICER: Mr. Roberts, would you
19 like to read and sign, sir?

20 MR. ROBERTS: Yeah.

21 THE OFFICER: And would you like a
22 copy?

23 MR. ROBERTS: Yes, please.

24 THE OFFICER: Thank you.

25 THE VIDEOGRAPHER: That concludes

1 today's deposition. Off the record at 14:14.

2 (Signature reserved.)

3 (Whereupon, at 2:14 p.m., the
4 proceeding was concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

I, CYNTHIA P. SMITH, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



CYNTHIA P. SMITH

Notary Public in and for the
State of Texas

☒ [X] Review of the transcript was requested.

Dated: September 20, 2024

1 CERTIFICATE OF TRANSCRIBER

2 I, SARAH COSTA, do hereby certify that this
3 transcript was prepared from the digital audio
4 recording of the foregoing proceeding, that said
5 transcript is a true and accurate record of the
6 proceedings to the best of my knowledge, skills, and
7 ability; that I am neither counsel for, related to,
8 nor employed by any of the parties to the action in
9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.

13
14 

15 SARAH COSTA
16
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23

24 Dated: September 20, 2024
25

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1 Marie McKnight

2 mcknight.marie@gmail.com

3 September 20, 2024

4 RE: Laliberte, Mary v. Quanta

5 9/5/2024, Marie McKnight (#6881123)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to
15 Erratas-CS@veritext.com.

16 Return completed errata within 30 days from
17 receipt of testimony.

18 If the witness fails to do so within the time
19 allotted, the transcript may be used as if signed.

20
21
22 Yours,

23 Veritext Legal Solutions
24
25

Laliberte, Mary v. Quanta

Marie McKnight (#6881123)

E R R A T A S H E E T

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REASON_____

Marie McKnight

Date

1 Laliberte, Mary v. Quanta

2 Marie McKnight (#6881123)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Marie McKnight, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10
11 _____
12 Marie McKnight

_____ Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 _____ DAY OF _____, 20____.

16
17
18 _____
19 NOTARY PUBLIC
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[& - 2021]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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